

The Orator:
Handling a hundred severall Dis-
courses, in forme of Declamations: Some
of the Arguments being drawne from *Titus*
Linius and other ancient Writers, the rest of
the Authors owne inuention: Part of which
are of matters happened in
our Age.

*Written in French by Alexander Silvayn,
and Englished by L.P.*



L O N D O N
Printed by Adam Fslip.

1596.

Handwritten text, likely a title or header, possibly mentioning "Hans" and "Hans".

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TO THE RIGHT HO-

*norable my most especiall good Lord Iohn, Lord
St. Iohn, Baron of Bletsho.*



Right Noble Lord, it is the
custome of ignorant and
vnlearned statuaries (who
are both defectiue in art and
faultie in iudgement) when they haue
either a *Venus* to carue, or a *Cupid* to
pollish, to find means to reare them on
some high marble pillers, to the end
that the distance of the eie might sha-
dow the defect of their cunning. In
imitation of whom (knowing mine
owne disabilitie to deserue, and weake-
nesse to achieue) hauing hewen out of
my rough wit this first fruit of mine o-
ratory, I haue thought good to ground
and rear them vpon the authority and
greatnes of your Lordship, whose fa-
uors and merits may aduance them to

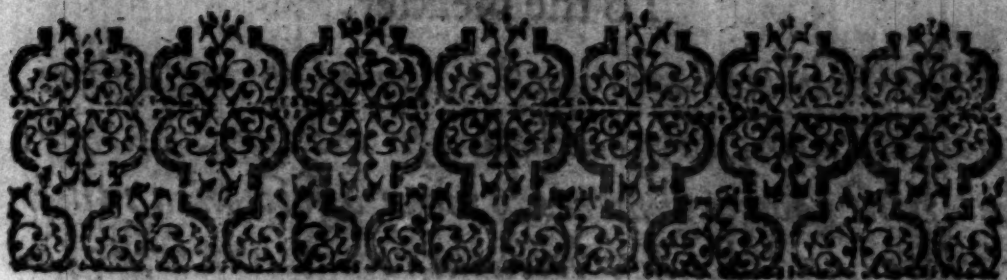
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The Epistle.

that degree and esteeme of reputation,
which of themselves they dispaire of,
except vnder your fauour and counte-
nance. The reason why I make you
my patron is for that I know you to be
a fauourer of the learned, and a main-
tainer of the souldior; discreet in your
iudgement, and bountiful to all toward
and deserving scholers. Vouchsafe ho-
norable lord, that your generall affabi-
litie and courtesie towards all men, ad-
mit no instance in my behalfe, but as
both by bountie and other infinit gra-
ces toward me you haue made me for-
tunate, so now in countenancing this
labour of mine, make me happie by
your acceptance, who humbly be-
seech almightie God to ioine
intire felicitie to your
manie vertues.

Your lordships in all dutifull affection,

Lazarus Pim



To the Reader.

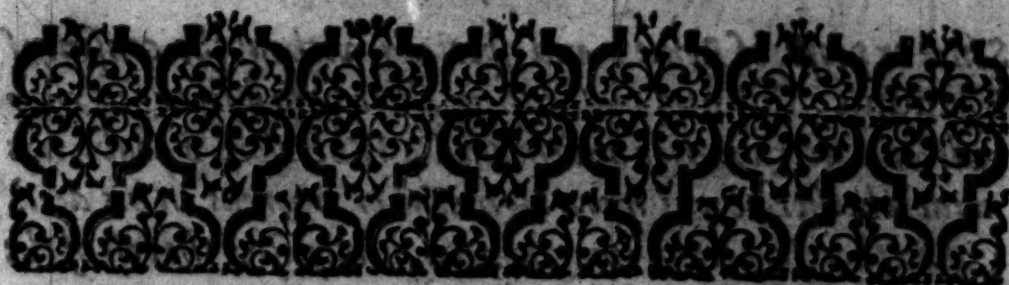


Ince he is to be counted a discreet man
(gentle Reader) that prouoked with
the desire of glorie, and kindled with
good affection, indeuoreth to profit his
neighbour by vertue, and procure him-
selfe a life and residence in the memory of posterities:
I haue thought good (in hope to aduantage my selfe
with the same title) to present thee with certaine Rhe-
thoricall Declamations, the vse wherof in euery mem-
ber in our Commonweale, is as necessary, as the abuse
of wilfull ignorance is odious. In these thou maiest
learne Rhetorick to inforce a good cause, and art to
impugne an ill. In these thou maiest behold the fruits
and flowers of Eloquence, which as Tully saith in his
Orator, Bene constituta ciuiatis est quasi alum-
na: vse them to thy profit good Reader, and accept
them with as good a mind as I present them with a
vertuous intent. If thou studie law, they may helpe
thy pleadings, or if diuinitie (the reformer of law)
they may perfect thy persuasions. In reasoning of
private

To the Reader.

private debates, here maiest thou find apt metaphors,
in encouraging thy souldiours fit motives. Fathers
here haue good arguments to moue affections in their
children, and children vertuous reconcilements to sa-
tisfie their displeased fathers: briefly euery private
man may in this be partaker of a generall profit, and
the grossest understanding find occasion of reforma-
tion. The benefits then so generall, and my intent so
honest, I heartely intreat you to keepe Talions law in
this, and pay me like for like, giue me good thoughts
for great studies, and at leastwise shew me this court-
ly courtesie, to affoord me good words (which cost you
nothing) for serious thoughts hatcht up with much
consideration. Thus commending my deserts to
the learned, and committing my labour to
the instruction of the ignorant, I
bid you all heartely
farewell.

L. P.



THE MIRROR OF Eloquence :

Containing an hundred Historicall, or rather
Tragicall Declamations.

Declamation. I.


*Of Fuluius, who caused the Senators of Capua to be
beheaded, without the consent of the Senat and
people of Rome.*



*How much they of Capua were prone, and ill
advised, to reuolt from the Romans vnto Han-
niball, after the battaile of Cannas, by so much
were they more obstinately besieged, so that being
forced for want of timely succours, to yeeld vn-
to the mercy of the two Roman Consuls, Appius Claudius,
and Quintus Fuluius, they were in the end more cruelly pu-
nished than any other rebels. The which Vibius Virius (the
ringleader, and chiefe author of the said rebellion) together
with seuen and twentie other Senators foreseeing, they all poi-
soned themselues at a banquet : The rest of them that yeilded,
were sent to prison, siue and twentie to Cally, and eight & twen-
tie to Theana. Where without any commandement from the*

Of Fuluius, and the

Senat or people of Rome, and especially without the consent of Claudius: Fuluius caused them all to be first scourged with rods, and afterwards to be beheaded. Wherefore a doubt was made whether he was more righteous or rigorous in his deed. And therefore let vs imagine, that shortly after the rest of the Capuans accused him, saying thus:

 As it not sufficient graue Senators, & you blessed people, that *Vibius* and his associats the chiefe authors and cause of the said rebellion, did sacrifice themselues vnto *Fuluius* his crueltie, but that you must further ad therunto these seuen and fiftie miserable Senators? Is it possible that they were all culpable? No surely: for seeing that they trusted to the Romane clemencie, their conscience was a sure testimony of their innocencie. But that could not saue them from the furie of *Fuluius*, who to excercise his crueltie, hath taken from the Senat & people of Rome, the meanes as well to shew their pittie as their power, not considering that the worthiest part of a victorie is to subdue the iust desire of reuenge. Wherefore despising all authoritie, & chiefly that of his Colleague and companion of his victorie, he rather desired to be accounted cruell then mercifull, and neglecting the proverb which saith, That sometimes man sheweth himself a God vnto man, would rather verifie the cōtrary, That man is euen a wolfe vnto man. Surely our miserie cannot but be great, yet should it haue bene more tollerable, if it had proceeded from the Senate, or people, for then should there haue bene some shew of Iustice considered vpon by many, where now is scene but a reuenging cruelty, thought vpon by one alone, and executed on the suddaine. And so much more is this deed execrable,

crable, in as much as ordinarily we see many consultations to be held, and that of many men, to pronounce iudgement against one: but alas, almost all our Senators haue bene condemned euen in a moment by one man alone (if he ought so to be called) who hath shewed himselfe more cruell then any furious Lion or fierce Tigre. For he not being satisfied with the stripes and death of those which were sent prisoners to Theana, tooke yet further paines to make his iourney to Cally, to torture and behead those which were there also imprisoned: and he not being thorowly appeased therewith, did ad therunto the miserable death of *Taurus Lubullus* a man euen besides himselfe, who although that of his own accord he offered himselfe to abide any punishment, yet were his torments aggrauated the more. All these acts (O Romans) are most lamentable, & worthy of great compassion amongst men. But yet the hateful contempt which this monstrous man hath made of your authoritie is most detestable: For as he was in acting the second execution at Callie, when the miserable soules were not yet all bound to the stakes, there came (as it were by diuine grace, and your goodnes) letters from the Prætor and people of Rome to stay their execution, neuerthelesse this man his rage alone, preuailed more than did the clemencie of all the rest of you. But what is this man, who presumeth to be more wise, and taketh greater authoritie vpon him, then all the other Romanes besides? Surely if crueltie be wisdom, and presumption carrie authoritie, hee hath reason? But if humanity be decent for men, and to thinke no better of himselfe then others, be modestie, he hath done amisse: for hee is worse then a beast that thinketh himselfe better then any other man. If it were lawfull, I would faine

know what moued him, that he could not so much as stay this last cruell execution? Or what hurt might haue happened vnto the Romans therby? of whom we are the true (though disobedient) children, since heretofore we freely gaue our selues, & all we possessed into their hands. But if some amongst vs, more ambitious then the rest, vpon hope to command the weaker sort, haue yeelded themselues vnto *Hannibal*, was it conuenient that euen those who were displeased therewithall should die so cruelly, without being admitted not so much as to speake for themselues. Alas this crueltie is too extreame, and so much the more in that it was done against the intention of the Senat & people of Rome. But God graunt that vnder the colour of this horrible deed, there be not some secret hidden, more pernicious and hurtfull vnto the Romans then euer our rebellion was. I know (besides the difficultie thereof) how much all true Romane hearts doe detest such as do aspire to tyrannize ouer their owne countrey, yet I may say that the deeds of *Fuluius* doe shew that he aimeth at that marke, and it may be himselfe suspecteth that so much is already knowne by him, which was the only cause why he was vnwilling that the Capuans should be suffered to speake, least some thing might haue beene disclosed vnto his preiudice, the which I will not affirme, because that if it were so, it ought to be more then made manifest, since that many haue not only bene suspected, but also grieuously punished for matters lesse apparent then this: And amongst others *Coriolanus*, *Manlius*, *Spurius*, *Cassius*, and *Melius*, only for shewing themselues ouer liberall. To conclude, I feele my selfe so ouercharged with griefe, as I am not able to speake in such sort as I ought, pleading before this honorable Senat, who
may

may be pleased to beare with my weaknes, considering that they neuer keepe decorum which are ouercharged with extream sorrow. May it then please you most worthy Senators, protectors of equitie, by that little which I haue badly expressed, to consider what might further be spoken vpon this matter, by one who is free from all anguish and feare.

*The Answer of M. Attilius in the
absence of Fuluius.*

I Thinke most graue Senators, that these men here haue no other reason to complain of *Fuluius*, but onely because he hath saued the liues of too many of the Capuans. For it is very certaine that after the taking, or surrender of Capua, *Fuluius* caused information to be made of all those that had borne any good will vnto the Romans, and there were found no more then three filie women, that is to say, *Vestia*, *Oppia*, and *Faucula Clunia*, who by the hire of her bodie did secretly relieue the Romans that were in prison; and the other, did eue-ry day offer sacrifice for the prospertie & victory of the Romans: The third being but a yong girle, was the same that came vnto our campe, and gaue intelligence that those Numidians which fained to be runne away from Capua, were sent for spics, and some of them were found with letters about them, to carrie vnto *Hannibal*. Touching the rest, it may be said, that although they were all guiltie, yet did *Fuluius* cause those onely to die, who surpassed the others in authoritie: Wherefore *Fuluius* was no lesse mercifull vnto those whom he saued, then iust vnto them that he executed. But it is the manner of the wicked, yea of the most part of men, seldome

to remember the wrongs which they doe to others, but what iniurie soeuer themselves doe receiue, they neuer forget. But the custome of the wicked, yea of the most part of men is, to write vp the wrongs which they do to others in darke letters that they may quickly bee forgotten, but the grieefes which they themselves receiue, they do graue in copper that they may euer be remembered: So likewise doe these of Capua in accusing *Fuluius* of cruelty, for putting their Senators to death: but they do not confesse what themselves haue deserued, for cutting in peeces our Garisons, who neuer offended them, vnlesse it were because they were there ready to defend them from the fury of *Hanniball*. Yea the Roman Magistrats & other Citizens were imprisoned, & choked vp in publike bathes. And they articulated with *Hanniball* to giue him three hundred Roman prisoners of choise, to dispose of at his own pleasure. I pray you tell me the what torture do not such rebels (or rather cruell enemies) deserue, who more desired the ruin of Rome then their owne proper safeties? See then what the Romans haue gained by receiuing those of Capua into their protectiō in defending them from the Samnites, & chiefly in suffering the to liue as free born, & our allies, who after so great kindnes haue shewed that they desired nothing so much as to tyrannize ouer, or vtterly to root out their protectors. Such is the maner of the vnthankful, who hauing no desire to deserue the fauors by them receiued, do not yet stick the better to couer their ingratitude) to cause those to fall into some miserie, vnto whom they are most bounden, and by that means quite to extinguish both the remembrance of the benefite, & their own duties. And that it is so, you did encourage *Hanniball* do to that which he durst neuer haue attempted, after that miserable overthrow at Cannas: that is to say,

to

to assaile Rome, if they found no good resistance: but the Gods (who neuer leaue wickednes unpunished, no more then they doe good deeds unrewarded, and vnto whome no sinne is more displeasing then ingratitude) haue ordained in their iust iudgement that the Capuans who supposed to tyrannize ouer the Roman Commonwealth, should haue need of their clemencie, the which for their sins they cannot acknowledge: For euē as the sick do find all things of vnfauiory tast though neuer so wholesome, so cannot the wicked men like well of any good done vnto them, bee it neuer so worthie. You say (O you Capuans) that you are the children of the Romans, you would not confesse so much in your prosperitie: aduersity enforced you to yeeld your selues vnto vs, prosperitie caused you to rebell. Your miserie makerh you to acknowledge that you are ours, and yet you cannot but shew your most wicked minds in slaundering those who haue resubdued you vnto vs. If you be as you say, disobedient children to the people, doe you not know that the parents haue full authority ouer the life and death of their children? Why doe you then complaine? Seeing that all of you being vnworthie to liue, we haue executed a few to terrifie the rest from further prouoking vs hereafter to put you all to death. Giue thanks then vnto the gods, and to the mercie of the Romans, and endeouour by your loialtie, to deserue so many fauors as you haue receiued at their hands: for good turnes not deserued, are in the end preiudiciall vnto those that receiue them. You say that *Fuluius* caused your Senators to die in despight of the Romane people, and yet it was not he that adiudged, but rather *Vibius*, and the rest which slew themselves: for as they iudged truly, that none of their faction (or

to say more rightly) none of their Citizens were wor-
 thie to liue: so did *Fulvius* but well, hauing scene with
 his eies your obstinacie in fighting, your fauour to *Han-
 niball*, and your hate to the Romans, therevpon to exe-
 cute iustice: as also because the dignitie of the consul-
 ship carrieth with it the authoritie both of the Senate
 and people, in such affaires where expedition is requi-
 red: and it is not for the offenders to demand an ac-
 count of the iudges for the iustice which they haue exe-
 cuted, but those who by their fauor are yetting ought
 rather to admire their most wonderfull mercie. Say
 then that your cruelties haue bene the cause that *Ful-
 vius* may yet be called more mercifull then iust. Finally
 he is the man, who leauing his Collegue hurt at the
 siege of Capua, came with part of the armie to succour
 Rome, and fight with *Hanniball*, who was before our
 gates at your instance: He it is who hath compelled you
 to submit your selues againe vnto the Romans: And he
 it is who in the behalf of the people, hath yet the power
 to punish you further. Wherefore it is but follie to an-
 swere particularly to euery slanderous supposition
 which you would assert against him, since those that
 are conquered, do neuer loue their conquerors.

Declamation 2.

*Of the first Earle of Flaunders, who was accused
 to the French King for hanging his eldest son.*



He Flemmings write very obscurely in their
 Chronicles, that their first Earle was named
 Leideric, being the sonne of one Saluart, a Fo-
 ster of Flaunders, and they say that the said
 Leideric, while he was yet a Foster and com-
 ming

ming to suruey his woods, did find the French king his daughter bebloubered with tears, because that in the said forrest, some had murthered a Prince of England, who had secretly stolen and carried her forth of France. Which Princeesse, Leideric married, and of her had seuen sons; whom he caused to be all apparelled with garments, the left side whereof was cloth of gold in honour of their mother, and the right side was woollen cloth, because himselfe was neither prince nor knight. Now it happened that the said French king (whose name they likewise tell not) followed in chafe of Hart euen vnto the cittie of Lisse in Flaunders, where the said Leideric dwelt, with whom the king was lodged: who thorowly viewing Leiderics children, thought that they greatly resembled his daughters countenance, and demanding for their mother, he presently knew her for his lost child: Whereupon he made the said Leideric knight, and created him Earle of Flanders. Now saith the historie, that the eldest sonne of the said Earle being old inough to court ladies, did meet before the court gates with a woman that had a small basket of fruit to sell, which he tooke from her and carried vp vnto the gentlewomen. The poore woman staid for money for her said fruit, so long untill it grew towards night, and then departing homeward, she lost her selfe in the forrest, so as she could not find her house untill the next morning, when comming home, she found her child dead for want of the teat. Whereupon she complained vnto the Earle, he fained to carrie his said sonne abroad to tourney, but passing thorow the forrest, he caused him to be hanged. Wherefore let vs suppose that the people accused the Earle vnto the king in this sort.



Very cruelty (if it may please your Maiestie) is assuredly very odious, but that which the father committerh against his owne child is most execrable: for the father his kindnesse ought

Of Leideic, the first

ought to exceed all other loue, imitating therein, the loue which God did beare vnto man, for the saluation of whom, he hath not spared his only begotten son, our Lord and Redeemer: whose example they are more bound to follow that are chosen to rule others, then those which are more bale in condition, because the people for the most part doe conforme themselves to immitate their actions which command, and especially the bad before the good. Wherevpon it followeth, that he which commandeth ouer a Commonwealth or prouince, cannot offend in any meane sort, especially if his offence be publike, more if the cause be not ouer great, but most of all if it be such a vice as degenerateth from the nature of man: all which said faults are found in this detestable deed of our Earle, hauing wrongfullie put to death his owne son: and what sonne? Euen his eldest sonne, and the same which should haue succeeded him and bene our Earle. But what offence can bee more publike then to cause his sonne to die by the most shamefull death in the world? For by the halter, are theeues executed: and yet he had no such cause to put him to death, seeing that notwithstanding his fault was remediless: moreouer there is no vice thought more vnbecoming a man then crueltie, and there is no greater cruelty the that which is committed against a mans owne blood, the which crueltie is not only done against himselfe, against his sonne, and against vs in putting our Prince to death, but also against the mother and brethren of the Prince, and that which worst is, against your Maiestie; hauing executed the sonne of your daughter, your nephew, and your subiect, who in proesse of time might haue done good seruice vnto your crowne and state. Wherefore this tyrant hath not
only

only shewed crueltie vnto all these aboue named, but he hath further manifested his ingratitude vnto his king and soueraigne; vnto your Maiestie I say, who hath made him noble by knighting him, creating him Earle of this countrie, and accepting him for your sonne in law. What punishment deserueth not a crime so manifest committed against the person of such a monarch? But who is so ignorant that will not affirme that in this action, froward fortune hath rather beene the cause of the mischeife happened vnto this woman, than the prince himselfe, or els it was her negligence or ill hap, or the destiny of the infant. What meant she to stay so long? Did not she know where to haue found the Prince the next day? Had she lost her money by staying for it? But to be short, this woman did shew her selfe to be both cruell and obstinate, as their sex are for the most part, and it may be she staied so long tatling with some of her gossips, and boasting that the Prince had bought her fruit, as night ouertooke her before she was aware: for the prattle of a woman is oftentimes without measure. But were it that the Prince his fault were farre more manifest and hainous then it is, yet is the cause to be iudged by none but by the king only, or by such as should by his Maiestie be deputed and appointed for iudges, and it is more vnfit that the father should be iudge of his child then any other, because either too exceeding loue, or too extreame rage, may ouerrule him: for when he is angry with those whome he loueth, his anger proueth more vehement and dangerous towards them then against others. Likewise no iudgement ought to be pronounced without counsell and due informations: But what proofes was brought against our prince? Where are those which were called

Of Leideric, the first

led to consult vpon iudgement, or to giue aduice that he ought to die? Alas, the father and the hangman were both Iurie, Iudge, and Executioner. Well, God graunt this mischiefe proceed not from some other ground: that is to say, least some old malice long since conceiued hath not made the father to find this occasion to destroy his son, it may be, chiefly to aduance his second sonne, whom he loued better. I passe ouer in silence how hee hath secretly endeououred to haue the world suppose that the same was none of his son, thereby meaning to slander your daughter, for those which know themselues inferiour to their wiues, doe neuer loue them heartily, but seeke all the meanes they can to make them lesse esteemed, and especially such as are ingratefull, of whom this Tyrant sheweth himselfe to be the chiefe. It may be said that it is not lawfull to accuse any man by coniecture, but what vilenesse may not a man imagine by such a one, seeing that like as vertues are knit together, so do vices follow one another? To conclude (dread soueraigne) we doe better feeble this wrong done to your Maiestie, to your daughter, to her children, and to our selues, then we are able to expresse the same in words; but our iust teares together with our silence, demand iustice of your highnesse.

The answere of the Earle.

Nothing surely can be more odious, or degenerating from the nature of man then cruelty, so also is nothing more necessarie for humane conuersation, then iustice ioined with wisdom; for indeed without it, iustice seemeth to bee no better then cruelty, as wisdom also without iustice

Justice is esteemed no other then meere malice, yet holding these two vertues linked together, a man may put his owne child to death, and not be taxed of crueltie, but rather praised for his pietie and loue towards them and Common-wealth. And such were the Numantines accounted for slaying their children, rather then they would leaue them for slaues: So was *Virginus* who killed his daughter to saue her chastitie. I passe ouer *Manlius Torquatus*, *Posthumus*, and diuers others who put their owne children to death onely for the zeale they had vnto the obseruation of militarie discipline: yet for all that not any of all these haue beene iudged to be cruell or worthy of blame, but on the contrarie haue thereby gained immortall praise and glorie. Likewise there is no doubt at all, but that the fathers kindnesse ought to exceed all other loue: following the example of our maker, who leaueth not to exercise his mercy together with his iustice: and that it is so, he many times punisheth sinnes both in this world, and in the world to come: moreouer we must not thinke any father so cruell to hurt his sonne in the little finger without feeling the griefe thereof himselfe in the midst of his heart, and therefore it is a meere folly to teach fathers how they ought to loue their children, since nature who is the mistresse of all humane creatures instructeth them therein sufficiently: and as it is most certain that princes or such as rule, are aboue all others bounden to be vertuous, and that they are constituted as guides and examples for all their subiects to follow, so can it not also be denied, but that seueritie of iustice is more requisit in them then any of the other vertues, (if vertues may be seperated) and he which will well consider my deed without passion, shall find all the foure principall

pall vertues therein to be obserued. For first of all I haue done iustice in putting him to death, who was not onely the death of an innocent, or at the least the same that caused the mother to suffer her child to die, but also such a one who defrauded a poore woman of part of her liuing, in that he paid her not for the same, which she brought to sell for her reliefe. My prudence was shewed in putting him to death without any commotion of the people, and in terrifieng all others from offending, as also to take from euery malefactor all hope to escape iust punishment for their misdeeds. My temperance I declared in causing the offender to die by the shortest and secretest maner of death that I could deuise, thereby ridding him from the shame to be a spectacle vnto many. And my fortitude was manifest, in that I was able to ouercome the desire which I had to pardon him both the same and all other offences. But in the end considering that the first princes are bound by their examples to stirre vp and prouoke their successors to execute iustice without partialitie, I haue for that end sacrificed my will, together with the life of my best beloued sonne, because the euill customes of the former princes are turned into lawes by those which succeed them, and those which are good are quite forgotten if they be not confirmed by verie memorable examples. Therefore *Saule* did not amisse when hee would haue put his sonne *Ionathas* to death, seeing law is to be administred vnto all alike: for where exception of persons is respected, there must needs corruption of iustice follow, which marreth all, for nothing can be permanent which is corrupted. True it is that he was my eldest sonne, but being such a one as he was, he neither ought to succeed me, nor yet to liue any longer:
and

and accuse me no more of crueltie, since to punish an euill doer is a deed of mercie, for pittie without iustice is follie or rather iniquitie; and the greater he is that offendeth, the more seuerer punishment he deserueth: For the poore wretch, or hee which is of base condition, may excuse himselfe by his pouertie, by want of instruction, by ignorance, by his lewd education, and such other like reasons both vaine and friuolous; but the offences of great personages is to bee attributed to nothing but to pride & malice. Neither is one death more shamefull then another, but only that death where the partie is made a spectacle to the standers by: for it is not the death, but the offence that is shamefull. And therefore in executing iustice I cannot be tearmed cruell vnto mine owne blood or my sonne, nor vnto your Prince, vnto the Kings daughter, neither vnto our children: for he not being such a one as hee ought to be, was now no more to be regarded by any of vs, but was no better then a thiefe, and a murtherer. Who is then so mad as to be called a grandfather, father, mother, brother, or a subiect to so vild a man? Neither must these be the meanes to begin those good seruices that ought to be done vnto the crowne of France, which was instituted and preserued hetherto by vertue. It is a vaine thing to goe about to persuaade fathers of the valor or worthinesse of their children, seeing that for the most part they belecue it more then is requisite, and alwaies doe excuse their faults more then they ought; of which sort I confesse my selfe haue beene one, so long as there was any hope of amendment. I assure you, that a long time was my heart most greeuouesly perplexed, before I could consent vnto the punishment, & death of my sonne. But omitting all other circumstances I will

will shew you the reasons which moued me to put my sonne to death, for the sonnes discredite, must needs bee the fathers disgrace, because they doe alwaies cocker their children but too much : and therefore it was not without cause that the Romanes (from whence all good lawes haue their beginning) did giue vnto fathers all power ouer the life and death of their children, knowing that without most iust occasion they would neuer put them to death. No sonne could be more dear vnto me then mine eldest, but equitie commandeth me to loue the Common wealth better; which in no sort can be regarded, when he which ruleth the same is not vertuous, because none therein should be in safety if the prince were vicious. My life and death is in the mercie of the kings Maiestie; but to die, I would not haue failed to doe that which I haue done, being (as we are) mortall, and death may only be delaied, but not escaped. Our life also is not to be measured by our years but by our deeds: for he hath liued long inough who is by good men deemed most worthie of long life, and he cannot die too soone, who spendeth his life in wickednesse. Wherefore it was no reason that my sonne should haue liued any longer, and I would to God that so his reproch might die with him, as I wish my renowne may liue after me. Touching iudgement, he which gouerneth the Commonwealth, must needs be iudge in the same. Such were the Dictators or Consuls amongst the Romanes, and such at this day are kings and princes. And *Plato* saith: Happie is that countrie where Philosophers are kings, and kings be Philosophers: whereby it appeareth, that rulers ought to bee iudges, as you your selues doe confesse, in saying that the king ought to haue iudged my son: which indeed
had

had ben reasonable, if his Maiestie by his prerogatiue had not giuen me free authority in matter of iustice; in such sort then as I am subiect to the iudgement of the king, is my sonne subiect vnto mine, and I am not to yeeld an account of my actions vnto any other then vnto his Maiestie: and especially because the witnesse of a father against his sonne is more sufficient then all other testimonies, according to the reasons aboue said: and sauing my dutie vnto his roiall maiestie, and this noble assistance, this is most false which you obiekt against me, touching my ladie the Countesse; who hath thought me worthie to bee her husband, and the king accepting me for his son inlaw, I haue euermore loued and honored: and so far am I from causing her to bee ill accounted of, as with the price of my life I would seeke to defend and increase her honour, which being so, it may please his highnes not to suffer him to be vnpunished, who hath spoken so slanderously as thou hast done, as if any person liuing might doubt of her chastitie. In saying that I thinke my selfe to be inferiour vnto her, thou doest therein also shew thy ignorance together with thy malice: for besides the difference of the sex, which maketh euery man better then a woman, it is most manifest, that loue and marriage doth alwaies make the man and the wife equall. It is likewise to bee considered, that they are no lesse noble which attaine therevnto by desert, then those which come vnto it by descent, for which the heires are the more beholding vnto their ancestors: and to say that I deserue not the dignitie which I enioy, it should be a reproch vnto the king, who of his grace respecting my deserts, hath himselfe thought me worthy of what he hath bestowed vpon me. Lastly, I appeale vnto your maiestie for the
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wrong which my subjects doe offer me in accusing and slanderidg me vniustly, and consequently I demand iustice vpon the same.

Declamation, 3.

Of Pacuius, who hauing by his subtilty saued the Senators of Capua, is accused of Treason.



After the ouerthrow of Cannas, many cities yeelded vnto Hanniball, and in some of them the people rebelled against the Senators, as those of Capua did, where the Senate were in great danger to be cut in peeces by the communaltie, the which Pacuius foreseeing, being a subtile man, and of the number of the Senators, but better beloued and esteemed amongst the people then with the Senat, he determined to appease the people by a wile: Whereof consulting with the rest of the Senators, and they finding no better meanes for their safeties, they consented thereto. Whereupon Pacuius fained to detaine all the Senators as prisoners in the pallace, appointing certaine Plœbeians there to guard them: then he said vnto the people which were already assembled before the pallace, I haue the Senators our enemies in prison, and am of the opinion that all of them should be put to death: but to the end that the citie may not be destitute of Magistrates, it behooueth that you your selues doe chuse amongst you new Senators in the steed of the others which we shal kill, to the end that we may not be surprised vnawares, either by the Romans or any other of our enemies, and haue not such as may command and gouerne vs. Then hauing a Catalogue in writing of the names of all the
Senators

Senators, he said: First such a one must be killed (who was a mā of great authoritie) name one amongst you who may be thought worthy to succeed in his place. Then the people began to looke one vpon another, and there was not found any that was deemed sufficient to take that charge vpon him. Wherefore they began to accuse Pacuius of crueltie, and in the end they confessed that there was not men enough to be found amongst them worthie to be Senators, and therefore they concluded to leaue the Senate euen as it was. Wherevpon the Senators were both deliuered, and confirmed in their former authoritie. Yet let vs suppose, that it happened, that one amongst the Senat (no lesse enuious of Pacuius his authoritie, then ioisfull that he was saued by his subtiltie) did long time after accuse him at Rome, affirming that hee onely induced the people vnto this sedition, and that his intention was not to saue, but rather to slay the Senators, and began his accusation in this manner:



VNdoubtedly such as suffer a wicked or vicious man to liue in a citie, doe either first or last repent it, yet is it rather commonly too late: How much more then ought they to be forrie that suffer such men to obtaine the gouernement of the Commonwealth, and the honors only due to righteous and vertuous men, who for the most part doe shun such authorities, because it is a hard matter to execute so waightie a charge well. For since the weaknesse of man is such, as euen the wisest doe mistake bad things for good, and good things for bad, vntill the effect of that which afterward happeneth doth make the know their error: How can vitious or wicked men be able to doe any thing that is good? Surely honours are the true touchstone whereby the vertue or goodnesse of a man is knowne: for in authority vertuous men do

manifest their goodnesse, as wicked men do lay open their badnesse, as *Aristides*, *Epaminundus*, *Licurgus*, and others in all their authority did shew that vertue was incorruptible: And *Periander*, *Pisistratus*, *Lisander* and others declared, how much ambition preuaileth ouer such as are not perfectly vertuous, whose example *Pacuuius* was desirous to imitate, for being born in Capua a wicked man, and seeing that he was there in such sort suffered to remaine, he durst wel make claime vnto dignities, and obtaining the same did afterwards aspire to be tyrant. For by how much they which are vnworthie of authoritie, and yet doe attaine there vnto, by so much the more doth their insolencie thereby increase; and that in such sort, as they not only doe presume the same to be due vnto them, but also that there is no gouernement great inough for them, and therefore such oppresse euen those who haue most fauoured them, which truly is a iust punishment which the Gods sendeth vpon those who fauour the wicked, that euen by the same themselues are oftentimes destroied. And so is it iustly fallen vpon our Senators, who knowing the vices of this man, haue not only permitted him to attaine the most principall honors, but also by their negligence haue suffered him to tirannise ouer the Senate and people, euen to the danger of the liues of the said Senators; being so audacious as to affirme vnto them, that he only was able to defend them from being hewed in peeces by the people: and afterwards by his rashnesse put all their liues in danger of the peoples insolencie. But what had it bene if the people had resolved to doe that which he counselled them vnto? what assurance had he that such his folly should haue come vnto a good end? Truly that was euen the least of his care, seeing

seeing that it could not happen amisse vnto him, for if the people slew the Senat, he should remaine the prince of the people, and the matter falling out as it did, hee should remaine lord of the people and Senat together, perswading both the one and the other, that they were highly bound vnto him: Whervnto the Senat was forced to yeeld, considering the authoritie which by their fault, he had gained amongst the people: yet this had beene a small hurt if he had beene contented that but onely himselfe should haue beene king, but his actions declared that he would confirme the kingdome vnto his posteritie by the means of *Hanniball*, vnto whom he not only brought his sonne *Perolla*, but himself did stay him from the killing of *Hanniball*, and from the procuring of the freedome of his countrie by this his most noble act. Finally this noble yong man did very well shew himselfe to be the sonne of a Roman matron, holding that noble mind of his mother: How could hee chuse but be greeued at the heart seeing that by his fathers words (who rather ought to haue exhorted him therevnto) his most couragious purpose was broken from the which this hairebraine man in all vild actions did not only dissuade him, but also constrained him to giue it ouer, affirming that if he would not bee ruled by him, he would aduertise *Hannibal* thereof, yea & would couer him with his own bodie in such sort as he should not be hurt vnlesse *Pacuius* were slaine. Thus he alone did corrupt the faithfull zeale which the child ought to the Romans and his countrie. I passe ouer with silence, how that hee was the cause that *Decius Magius* was so euilly intreated by *Hanniball* in the presence of all the Citizens, and then afterwards clogged with chaines to be carried to Carthage, if the gods had not succoured

him better then this honourable person, who had such credit with *Hanniball*, that at his banquet was the second man at the table, and his sonne the third, and yet did not once excuse, but rather most grieuously accused poore *Magius* to haue alwaies fauored the Roman faction. Thus hath this vnhappy man betraied his countrie foure times. First when hee put the life of the Senators to the discretio of the people: secondly, when he caused Capua to reuolt from the Romanes: thirdly when he made an agreement with *Hanniball*, and suffered him to enter into Capua: and fourthly, when hee kept his sonne from killing *Hanniball*. He will answere that he alone neither caused Capua to reuolt, nor to receiue *Hanniball*, I say he did, for vnder the colour of his protecting the Senate, no man durst gainsay him in any thing, except *Magius* who was punished therefore. If those who (without calling any stranger) doe by no such execrable meanes aspire vnto tyrannie, are grieuously punished, What torment then may be sufficient to bee inflicted vpon this wicked man? Who not content to haue vsurped the gouernement, and called in a stranger for his defence, did also by threats corrupt the good nature of his sonne. Remember O you noble Romans that you haue for lesse fault punished and driuen away your kings, and consider also the causes why we cannot, much lesse will not be vnder any other then you, doe vs iustice then vpon him, who hath withdrawn vs from you.

The Answer.



Mongst reasonable and vertuous men, all vices are odious, but aboue all, ingratitude is a vice most detestable, for it is the cause that manie good turnes are left vndone: for euen as the
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iue causeth that tree to die about the which it windeth, and which sustaineth it, so an vngratefull man seeketh the death and destruction of him, to whom he is beholding for many good turnes, which maketh a number fearefull to employ themselues either for the particular good of any, or for the the publicke benefite of many. But the noble minds leaue not for all that to doe their endeuors, for euen as the sun is nothing infected by the mud vpon which it shineth, and as the slanders of the ingratefull can no way hurt the true vertue, which euen in the midst of vices, shineth as the light doth in darkest places, euen so this damned man, the more he thinketh to impair my reputatiō, the more doth he increase my renowne. For first he saith, that I haue obtained the chiefeft dignities in Capua, it is then a signe that either I am vertuous, or els the rest of the Citizens that haue aduanced me to such authoritie, are al vicious: for euery one fauoreth his like, & repugneth his contrary. You say that I thinke my selfe a tyrant: Where do you find that tirants do succor or saue the life of such as pretend to be equall with them in power: can you denie that by mine industrie the Senat was saued? Hath not the effect made the same apparent? You say that I brought them in daunger, hazarding their liues to the discretion of the inconstant people, how is he brought in daunger who alreadie by his owne fault is fallen thereinto? Do you call it a hazarding, to saue mens liues? If you had knowne any other meanes more expedient, you ought therein to haue giuen your aduise? But that in extream euils extraordinary meanes ought to be vsed: So I knowing that the euill proceeded aswell from the ouergreat presumption of the Senat, as from the insolencie of the people, thought to find out the fittest remedie: for each

partie, perceiuing his error framed himselfe accordingly. Thinke you before I seemed to make it a question whether the Senators should liue or die, that I had not first gained the chiefest of their enemies, and that I did not know the weaknesse of the rest? And as touching this point of the yeelding to *Hanniball*, the authors of his receiuing they did poison themselves, which taketh away the suspicion that anie other was the cause thereof: How could I then be able to resist *Hanniball* more then you and others? True it is that I was second person in his banquet at the table, but the same was rather a signe that he did it to win me, then that I was such a one as you tearme me to be. For the subtile Barbarian, did not embrace those who did already fauor him, but such as he would draw vnto him: and the better to proue that true, my sonne whom he knew to bee a Roman in heart, was the third man at his banquet, whom trulie I confesse I did dissuade from killing *Hanniball*, because it was a thing impossible, being alwaies armed, enuironed with his gard, and chiefly because he euermore suspected my sonne greatly: So that the best that could happen by his rashnesse, would be but the death of him & manie others, and it might be the vtter subuersion and ruin of *Capua*. What hurt then haue I done preserving such a one as is most affectioned vnto the Romans, and also in sauing the cittie which could not faile but fall into their hands againe: for al violent things as was the fortune of *Hannibal* are of so long continuance, but being at their Periode, turne vpside downe in a moment. Therefore in such a time more wisdom consisteth in dissimulation, then in obstinate boasting, as appeared in that of *Magius*, which was nothing profitable vnto any man, and besides it was not only hurtfull to himselfe,

but

but also *Hanniball* did thereby know the cowardlinesse of the whole Senat, and Citizens of Capua, since that before their faces they suffered one of the noblest amongst them, to be bound and carried away vnto his campe. It was then that they should haue resolued or taken occasion to haue run altogether vpon *Hanniball*, and to haue massacred him, as my selfe and sonne were desirous to doe, if we had seene any likelihood to haue ben seconded by any: but there was then no show of such courage in you, & the more you accuse me to haue brought you in bondage, the more vnworthie are you to be beleued. Yet if it were so, why did you endure it? you will say for feare of the people: why could not you win or keepe the people in obedience, as well as I? Surely because your ambition, and pride was more great to grieue them, then was your wisdom or pollicie to gouerne them. You will impute me for fauoring more the Plebeians then Patrician faction: so was the like heretofore objected to the Fabians, who afterwards enterprised particularly to defend Rome from the Veians at Cremera, where they all died sauing one, who hath raised vp again their race, which is at this day so profitable to the Common wealth. To conclude, miserie is alone without enuie, wherefore it is not to bee wondered at if thou doest vomit a thousand leasings against my vertue, long time guided by good fortune, yet for all that canst thou not say that I haue aspired Tyrantlike to rule, nor called the stranger, but the greatest hurt that I haue done, is that I haue saued you and others like vnto you, amongst the good and faithfull friends (such as my selfe) of the Romane Commonwealth.

Declamati-

Declamation. 4.

Of him which would vsurpe the inheritance of a Prince, that went to the warres against his fathers will.



Here was a Prince who forbad his sonne to goe on a certaine iourney to the warres, threatening if he went, to desherite him. The sonne for all that went thether : wherefore the Prince made a nephew which he had, his heire, leauing notwithstanding a great reuenue for his son, which is augmented by the new Prince. Neuerthelesse, shortly after he redemanded the principality, saying :

T*Having done nothing vnworthy for a Prince or a gentleman, my father could not disherite me. Wherefore it is as fit for the father, in commanding, to be wise, as it is for the sonne in obedieng, to be willing. What if my father (fearing to lose me) had forbidden me to defend the Church, or my cuntry, Ought I to obey him in this commaundement, being no lesse dishonorable and preiudiciall vnto himselfe then to me and our posteritie? Verily I confesse that fathers ought to bee obeied in all reasonable things, but when their commandements are to no end nor reason, they must bee neglected ; and after, as they may, obtaine pardon, if of themselues they confesse not their fault : besides, it must bee distinguished what the matter is, and what it importeth. Indeed I will confesse that I should greatly haue misdone (my father or cuntry*
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trie being in war, or in any danger) if then I should haue forsaken them for any thing that might happen, but when there was not so much as any shew of daunger, what hurt haue I done, if in the wars els where I haue serued, to learne the better how to defend our owne countrie? or rather if I made knowne abroad to strangers, and our borderers, that they should not so much as thinke to offend me, and not looke for requitall thereof; since that I did voluntarily vpon mine owne pleasure goe to defend others? Tell mee then wherein I haue either offended my father or countrie by this gentlemanlike act, or whether you ought not your selues to haue accompanied me, if you had beene as valiant as you should haue beene? but it is alwaies the custome of dastards to couer their owne cowardise either with the shadow of a certaine obedience towards their parents, or by a shew of wisdome, as sometimes also by a signe of their innocencie, more superstitious then religious: saying they ought not to kill any man, or if they should as often haue their hearts and courage conformable to their wicked wils, there could not bee more cruell people in the world then they: Is there any in the world more desirous of reuenge then women, and yet is there no creatures liuing more base and fearefull then they: for as impossible is it for a noble heart to be cruell, as it is for a cruell man to be couragious: if you had not bewitched my fathers vnderstanding, he could not chuse but haue beene very desirous to haue left his principalitie to such a sonne of his owne, as had made proote of his skill in keeping, as also in augmenting the same if need were: and especially being bound vnto his people to leaue them such a ruler: for princes are not or should not be other then fathers or tutors at the least

alest vnto their people, whome they should after their
 death leaue to be guided by such a one as should main-
 taine their laws and rights, and which should defend
 them from such as would offend them: wherefore not
 without reason did *Pirrhus* king of the Epirotes answer
 his children (who asked him to which of them hee
 would leaue his kingdome) that he would leaue it vnto
 him that should haue the sharpest and best edged sword
 amongst them al. This valiant king did very wel know,
 that such realmes where the king is not held for a soul-
 diour, are alwaies molested by their neighbours or by
 strangers: Haue not we seene as much by prooffe? that
 whilest the Macedonians were vnder *Philip*, *Alexander*,
 and other valiant kings, yea euen vnto the last *Philip*,
 they were alwaies in prosperitie: but after *Perseus* was
 their king, they were subdued by the Romans, and *Per-
 seus* being vanquished, was carried in triumph to Rome
 by *Paulius Emilius*. But why stand I vpon such needlesse
 examples, seeing they are infinit and without number?
 Whether had the Romans euer finished their new citie
 amongst so many enuious and euill disposed neigh-
 bors, without the valor of *Romulus* their king? Finally if
 my deceased father had well considered of these rea-
 sons, and that hee had not beene badly counselled by
 you and such as you are, he had not disherited me, but
 should greatly haue reioiced to see, that during his life
 I endeououred to make my selfe worthie to succeed him
 in his seat. I need not to make a doubt whether hee
 might for any cause giue the principallitie to you or to
 any other, since himselfe hauing receiued it by inheri-
 tance from my grandfather, and I being borne vnto it,
 and not vnworthie of it, ought to enioy it as my due,
 and lawfull succession; for hee was no other then gar-
 dian

dian and protector thereof: how could hee then take it from me and giue it vnto you, who deserue the same in no sort, neither by reason nor by valor: Had you bene so wise as you thinke your selfe to be, to gaine a dignitie or an assured principallitie, you should haue imitated some such, as it may be being lesse cowardly, but more wise then you, and knowing themselves not valiant enough by armes to winne any authoritie, doe become first begging friers, and so well behaue themselves therein, as afterwards they become cardinals, yea and oftentimes obtaine the Papall seat; in such sort should you haue become a Prince; You I say who haue neither vertue nor valor, but in your tongue, by the which you could so well persuaade my decessed father to dishonour himselfe, and to wrong his onlie sonne, preferring you before him. But I haue such an assured hope in the Emperour his sacred Maiestie who is our iudge, as that shall be restored which of right belongeth vnto me, and I assure that but for the respect I beare to the same Maiestie, I would doe that, as you should know you ought not to vsurpe my gouernement, but thinke your selfe verie happie in surrendring the same ouer to me, & not receiue the punishment due for your rashnesse.

The Answere.

RASH and vnaduised may he be tearmed, who in the end of his reasons addeth threatnings in the presence of his imperiall Maiestie, whom he saitheth to respect, & vpon whom such an iniurie redoundeth rather then vpon me who am here vnder the protection of his said Maiestie. But to answere vnto this your deed, I say that it is not the act of a gentleman to dis-

disobey his father either whilest hee liueth, or after his death, in desiring to take that from me which he charged me to keepe by his last Will. Touching the first disobedience; Durst you be so presumptuous to vnderstand the cause why your father did forbid you to goe vnto the wars? You were ouerbold therein, since he knowing your indiscretion and wauering mind would not trust you with such a secret matter: How manie things seeme aduantageous, honourable, and profitable vnto yong men, which old men doe foresee to be a manifest ruin? What doe you know what they doe keepe in store for you whom you haue offended in this war? Or if he who euen by your aid is become more mightie shall vse the same his power to your preiudice? For so did the Romans, who being succoured by their confederats, did first vanquish other nations, and then afterwards subdued those their confederats likewise: what doe you know if your father foresaw the same, or a greater danger? If we are bound to belecue old men, how much more then ought euery one to belecue his father, of whom (next to God) he holdeth his life and his being? And therefore they are double in fault which do not onlie giue no credit to their words, but also do disobey their commandements as you haue done: for if one way you shall lay the fault vnto your frailtie, which hindered you from beleeuing the truth, and shall say it is mans nature so to doe; Yet your disobedience added therevnto, doth another way make the same vnpardonable. How manie are there that haue put their children to death for lesse fault then yours? It may easelie be seene by the Hebrew, Greeke, and Latine histories: As for example; *Saule* the first King of the Hebrewes, would not he haue put his sonne *Ionathas* to death for tasting

tasting a little honie against the commandement of his said father, although he did it ignorantlie? *Epaminondas* the Theban, did not he cause his sonne to die, for fighting cōtrarie to his cōmandement: did not *Anlus Posthumius*, and *Manlius Torquatus* Romans, do the like? what would they then (thinke you) haue done, if their children contrarie their wil and commandment, had gone to the wars as you haue done? Teaching them who were with you to disobey their prince, as you did your lord and father: and not content to haue offended him during his life, will confirme and ratifie your disobedience after his death, in resisting his last Will and testament: and to his great dishonor accuse him with want of wit. For lesse fault was *Cham* the sonne of *Noe*, not onlie dishonored, but also cursed of his father for euer, yea and his posteritie after him, who could not do with the faults of their father and grandfather. The Romans had not the power ouer the life and death of their children: So that but for such men as you, that law at this law had not bene inuented; for from the vniustice and wickednesse of men, do good, holy, and righteous laws proceed: Wherefore it is a true Prouerbe, that offences beget laws, and afterwards those laws doe discouer and punish offences: for where no fault is, there law is not requisit; and where no law is, there can be no breach thereof: Wherevpon *S. Paule* saith, That the law onlie made me know that to desire is sinne. Your father did not prohibite you from the defence of your countrie, or the church, therefore you need not make a question of that which he did not, but of that which hee did, which was his dissuading you from this war, and for the same cause hee added threatnings vnto his commandement. And notwithstanding for all this, you
would

would not obey him, but it may bee the great grieve which your father tooke for this your obstinacie hath procured his death: and yet you say (although he hath not wholly disherited you) that he did you wrong to giue the principallitie vnto him, whom he knew to bee best able to keepe it: see how farre the loue of the father exceedeth all the malice that the sonne can imagine: for notwithstanding after this your fault, hee thought vpon your profit more then you deserued, and therefore he had a desire to leaue you wherewithall to liue like a Prince, but not the power to loose your selfe and your people: Doe you thinke the good Prince did not know, that in the warres vices are sooner learned then vertues? And that you were more inclined to wickednesse then wisdom? For how can he be a louer of vertue, which despiseth both his father & his commandements? Moreouer hee knew very well that the countrie whose Prince is accustomed to the wars, is neuer in peace; and not being in peace it cannot prosper. Also he said, that as countties had long ben kept, so they should be maintained, because euerie alteration or change is dangerous, and if there come any profit thereby, it is not in their daies to bee expected who are then liuing. Wherefore knowing that his predecessors and himselfe had more encreased and conserued their gouernement by wisdom, equitie, and iustice, then by armes, it seemed nothing reasonable vnto him, to leaue for successor such a one, who only seeking to be counted valiant, would forsake all vertue, which takes her beginning from the feare of God; and he which feareth him, is another manner of man to his father, then you haue beene to yours. Now since your father had all these reasons on his part, can you say he was not a good protector both
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of his people, and also of you : Likewise he knew that *Numa Pompilius* did more conserue and increase Rome by his religion and good lawes, then *Romulus* did in the building thereof by his wars : the which to speak truth, are verie necessarie in euerie new gouernement ; but where the people doe honour their Prince, and he is in loue and peace with his neighbours, there warlike men are more dangerous then defensue, the which we may see by the Romanes, who neuer were overcome but by their own proper forces, also the souldiors which were in the citie were the destruction of the same. Therefore those princes do wel, who haue the means to send such people to exercise their furie in strange countries, for armies are alwaies hurtfull in a countrie, vnlesse it be for the defence thereof. You say that because you haue beene in the warres, your neighbours and strangers will stand in feare of you : better were it for you to bee beloued of them : for euerie one desireth their death, of whom they stand in dread. I would haue followed you to the wars my selfe, if you had gone thether by commandement or consent of your father, ynto whom it was grieve enough to bee disobeied by his son, without encreasing the same by the like offences of his nephew; for if I had followed your course, I should haue thought that I might haue giuen him iust cause to think me none of his subiect, much lesse his kinsman. God graunt that this your ingratitude, caused him not to doubt whether you were his sonne or not. Touching *Pirrhus*, his answer was as wicked as the end of his life was wretched. And *Perseus* was ouerthrowne onlie because he trusted in his forces, prouoking by his presumption the Romanes against him. You say that I deserue not the gouernement; but your father being farre

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more wise, hath iudged me worthie, and you vnfit. I will no further answere to your assertions, which do as much discover your impudencie together with your contempt of God and good things, as also the malice which aboundeth in you; but will leaue you to your owne discretion: and will onelie conclude thus, that all those reasons aboue said, and it may bee the least enelie more then al the rest ioined together, haue incited your father to giue me that which I deserue, and I praie you compel me not to take that from you, which of my own liberalitie I haue bestowed vpon you. Touching that which I possesse I doe so much trust in the sacred Maie-
stie of the Emperour, as I am assured that hee will main-
taine me in my right, who am his most humble & most
faithfull seruant.

Declamation. 5.

*Of Spurius Seruilius, who defended himselfe against
the people, being by them accused for his coward-
ly fighting at the hill of Janicola.*



Of long time after that the Kings were bavi-
shed Rome, and that the death of Tarquin the
last king thereof was made manifest, the Con-
suls and Senat began to grow more proud and
couetous then they were accustomed, and the
people being on the one side overburdened with taxes, and on
the other side overlaid with vsurie, and imprisoned for debts,
they began to rise against the Senat, in such sort that they be-
ing in armes vpon the holy mountaine, they would in no wise
be perswaded to depart, before there was granted vnto them
that

that they might haue two Tribuns for the people; by meanes whereof, their insolencie grew to that heighth, that when they had not warre abroad, they troubled the Senat at home, intending to set new lawes abroch, and amongst others, the law called *Agraria*: and on the other side, the Senat resisting their demands in that behalfe, they were cited before the Tribuns, and condemned sometimes into exile, and otherwhiles great fines set vpon them: by reason whercof, some of them did voluntarily banish themselves before that iudgement was pronounced against them, and others made themselves away by some kind of death before the pronounciation of the sentence: amongst whom was *Coriolanus*, who died in exile, and *Mecnemus* the sonne of *Agrippa*, who died with anger, being condemned in 200 asses, because in the time of his consulship, he aided not the *Fabians* who were slaine at *Cremera*. Afterwards *Spurius Seruilius* was accused, that he was the cause that the Romans lost the battaile at the foot of the mountaine *Ianicola*, against the *Tuscanes*, who defended himselfe courageously against the Tribuns saying after this maner:

NOt in vain did *Plato* say, that the common people are like vnto the beast *Polipus*, which hath many feet & wanteth a head, by reason whereof not seeing the way which he holdeth, he ouerthroweth himselfe: in like maner the ignorant people doe go on forward without anie consideration, seeking their owne ouerthrow whilest they imagine to giue the Senate a fall: and that which is worst of all, they who ought to guide those blind men in a better course, are such as by force would bring them into the bottomelesse pit of confusion, or headlong downe fall of rashnesse. It is vnto you that I speak, O you Tribuns, yet no Tribuns, but rather seducers of the poore people,



ple, and scourges of the Common-wealth : Surelie the Senat, and people, doe now receiue worthie punishment of their faults, the one hauing desired, the other hauing suffered you to be promoted to such authoritie. Trulie worthie *Agrippa* did neuer doe other harme to the Commonwealth, thinking to doe good, then in appeasing the people with this cōdition, that they should haue Tribuns appointed them; as if at the length the people knowing the confusion of their weakenesse, would not by the same meanes haue acknowledged their fault : for without you they would haue vnderstood, that the Senat executing right and iustice, (as it doth) is inuincible, as depending onlie vpon the lawes, and the gods. O Romans, know you not that the kings haue honoured, and in a manner submitted themselves vnto them ? And so long as they held that course, they were like vnto the gods in honour, and prosperitie : but after that *Tarquin* the proud, would haue put downe the Senat, he himselfe was exiled with perpetual shame, to the confusion of all his posteritie : O blessed people, who then knowing what was needful for them, did endeavour themselves to hold vp the Senat, not suffering so much as that any kinsman or fauorer of the name of a king should remaine in Rome, whervnto *Collatin* (the rooter out of kings, and one of the first Consuls, who was banished onlie because he was by name a *Tarquin*) was a witnesse, they hauing no desire to suffer neither king nor Consull of his race : Shall we then indure the tirannie of the Tribuns ? Doe you not say, O you people, that they would (if it were possible) abolish the Senat, that they might afterwards tirannise ouer you : for such is the manner of those, who of nothing doe rise vnto some dignitie, as through pride and ingratitude, they

they doe make themselves intollerable, which is to be seen by these Tribuns, who when they could not shew their pride & ingratitude to *Agrippa*, for the short time he liued after their creation, haue manifested the same to *Menenius* his sonne, being the cause of his death, with the grieve that hee tooke in seeing himselfe condemned by those, who not long before durst not presume to consort with anie his fathers seruants: I say this noble *Agrippa* died so poore that he left not onlie so much as to burie himselfe withall, as it likewise chanced vnto manie others. Behold then in whom the ambition and couetousnesse remaineth, which you would impute to the Senators: who as a candle do consume themselves for the publick good, whilst you (which were it not for the office that the Senat hath bestowed vpon you, should oftentimes haue no bread to put in your mouthes) endeavour to persecute the Senat, and destroy the people. You accuse me to be the cause that the battaile was foughten so vnluckilie, vnder the mountaine of Ianicola, I submit my selfe to the report of the Senat and people whether my endeuer were wanting. *Menenius* was condemned for not aiding the Fabians in the time of his consulship, and I for fighting vnluckilie: as if the one & others fault proceeded not from the insolencie of the Tribuns, who did so animate the people against the Senat, as hardlie would they march vnder the Consuls: but who knoweth not that the souldiours neuer doe anie good seruice, if they loue not their leader, who also can doe no worthie act, if he be not thoroughlie assured of the good will and obedience of his souldiours: but concerning the Fabians, they were cut in peeces in the field, before the consull was aduertised that they were in anie danger, yet was hee condemned

Of Spurius Serulius, and the

vniustlie by you. Is it not also manifest that you by your crossing & hindering the enrolling the souldiosr, haue ben the cause for the most part that succour hath come too late: this is all the good that you doe in the Common-wealth, O you Tribuns, plagues of the same: it is not before you (who are vnworthie to take account of my actions) as I will iustifie, much lesse excuse my selfe: condemne me if you can, I speake not to the end to dissuade you: I will not be ashamed to be the companion of so manie vertuous men whom you haue wrongfullie condemned; but I do verilie assure you reuerend fathers, that as much hangeth ouer the heads of euerie one of you, vntill that the condemnation of such a one (not more louing to the Common-wealth, yet more happie then I) do prouoke you not to endure anie more the insolencie of these heddie fellowes: who doe onelie maintaine their authoritie they haue with the people, in quarrelling with the worthiest Senators: and you O people, no lesse ingratefull, then ignorant, of the euill which threatneth you, bee you full assured, that these men will bring you to that passe, that you will desire (but neuer obtaine) that the Senat may bee restored to their first authoritie.

The Answer.

 F the people should not haue some better head then yours, it were better they had none at all,  for although euerie one liued after their own fantasie, yet should it be lesse hurtfull for them then to bee led or gouerned by such a one as seeketh their destruction, and it cannot bee said that the commendation or condemnation that the Senat deserueth by

by means of the election of the Tribuns, is rightly due vnto them, because the same election neuer was allowed by their good wils, but being compelled, they consented therunto, although in effect they were the cause that the people would both haue them, and also obtained them: For they vsing the people more rudely then slaues it caused them to looke vnto their owne safeties, and to take vp armes and force the Senat to consent vnto the chusing of Tribuns, to defend them from those who sought to tirannise ouer them: neuerthelesse you would on the contrarie haue vs to serue the Senat, and to consent that not onlie they should haue al the honor and profit of that which was gotten with the price of the peoples blood, but also that they shold deuour the authors of their dignitie, by imposition, and vsuries, bringing them into captiuitie for debts, keeping them in prison and irons, and tormenting them at their own pleasure. Although you doe not acknowledge, O you Senators, how much you are beholding vnto the people, yet remember onlie when you had need of their valour to confirme your authoritie, or to defend you from the enemie, how friendlie you could speake. When *Porfenna* king of Tuscan came to besiege Rome to establish the Tarquins therein, you then said that the people were oppressed, that it were reason to discharge them from taxes, that the custome of salt ought to bee taken away, and to giue them corne in common, since that they were at charge enough in begetting and bringing vp of their children for the warres; but as soone as the siege was raised, this consideration and liberalitie did vanish away both together: King *Tarquin* being once dead, then began you by little and little to vse those free people like slaues, so as nothing remained vn-

to them but the name of freedome, but as in greatest harmes extreame remedies are sought, so had the people or els the Senat perished without the mitigation of the Tribuns, and it cannot bee denied but that otherwise the miserie of the people had alwaies encreased, since that amongst seue kings there was but one which was hurtfull vnto them, and now hardlie can there bee found amongst a number of Senators, one that is good or fauourable vnto them; or if anie such bee; yet dare they not make anie shew thereof, for feare to displease others thereby, and be called fauourers of the people, as it happened to the Fabians, who rather desired to die in fighting alone with the enemies, then to bee odious to the Senat, and not to bee able without danger to fauour the people: tell vs onlie whether you are rulers or lords ouer the people; and consider, that if you bee their rulers, you ow them equitie and iustice, or if you will be their lords, you ought to fauor and protect the, notwithstanding they can obtain nothing at your hands but by force: you affirme, that if we had not beene, the confusion and weakenesse of the people would haue made them acknowledge their fault: but you confesse not that the people might sooner bee able to make a new Senat, then the Senat a people, all these proofes are dangerous, because they are extreame, and vertue consisteth in a meane. The kings haue honoured the Senat, so also haue they not despised the people, for without them, the king could not bee, and the first Senate was chosen from amongst them: if *Collatin* were banished for his name onlie, Why ought they not to bee condemned, whose deeds deserue no lesse? Trulie neither Consuls, Senators, nor Tribuns ought to be suffered, if they doe not their dutie: neither was it ingratitude to

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condemne the son of Agrippa, but equitie, and as there are but a few Senators who die poore as he did, so are they nothing like the candle, but onlie in that they are too fat with the cost of the poore people, and with the danger of their liues; for the Consuls command, but the souldiours fight. Concerning this, that you warred vnluckilie, the blood of the dead, and the cries of the liuing, beare witnesse thereof: and trulie hee is not wor-thie to be a Senator, much lesse a Consull, who cannot gaine the good will of the souldiours. Lastlie, we had not opposed our selues against the enrolling of the souldiours, if in due time the demaunds had beene thought reasonable: and therefore either you must iusti-fie your selfe, or els are you worthe of double con-demnation, because your talke tendeth to sedition, in desiring to mooue the Senat and people against vs, who are no common officers, but most holie Magistrats, ap-pointed to keepe in peace both the one and the other: also the time will come when we shall greenouslie pu-nish such vnluckie Southsaiers and Prophets, who doe seditiouslie foretell and prophecie euil to the Senat and people, like as you now doe.

Declamation. 6.

Of a maimed man, who for smiting an officer, is condemned to lose his hand, but it cannot be proo-ued with which hand he did strike him.



A Man that was maimed of one of his hands, did strike an officer of the Magistrates, for the which he was to lose his hand: it could not bee proued with which hand he did strike him, he said that it was with his left hand, which was the same that was maimed: notwithstanding the iudge would the sound hand to be cut off, alleaging these reasons following.



*I*T were better that laws were neuer made, then not to be executed, for the law that is not kept, maketh the Magistrats despised, and so consequentlie maketh men to doe euill, but the meaning or glosse of the law is to be considered, as also the qualitie of him which breaketh the same together with his intention: for if a man kill another in his owne defence, or he which stealeth, being by extreame want vraged therevnto, such a one is in lesse fault, then he which killeth a man of set purpose, or he which stealeth, hauing no great need: It behooueth vs then to consider that the meaning of the law is, that hee which smiteth an officer must lose a member, and not that which is maimed alreadie by some other meanes: but concerning you, who are the breaker of the law, you had little cause so to do, being lame, because such men should rather keep themselues from strokes, then desire to strike anie man, because they are the weakest: also you were not constrained therevnto, and therefore you were rather to expect for more hurt, then anie good to happen vnto you by the same blow; wherereby it may be seen that anger is an enemy of good counsell, and forbearance is the best meanes to bridle rage: for if you were not wronged by the officer, you deserue double punishment.

nishment for striking him: and if you were iniured, yet the badge of his office might haue serued for a warrant that there was a Magistat, of whome you might haue had right, if you had accused him boldlie, alleaging that he which was to redresse wrongs, had wronged you: but in not doing so, wee must come to this that you haue done, which is, that you haue beaten the Magistrate his officer: you say it was with your left hand, the which is verie vnlikelie, because few men are left handed, and you especiallie cannot so be, seeing that if you were such by nature, yet were you constrained of long time to vse your right hand, and verie hardlie could you euer remember your left hand, vnles it were when you stood in anie need thereof: if you say that it serued you onlie to strike withall, it is a signe that you had a will, or that you were accustomed to strike, which is a kind of offence. Finallie there is sufficient prooffe that you haue stroken, and you confesse the same, but you cannot prooue that it was with the left hand, neither is there anie likelihood at all of your saieng, wherefore if you haue no other prooffe, you may account your selfe for a condemned man, for the law intendeth that you shall lose a hand: how can one now take away that which you haue wanted long since? bethinke you then to prooue your saieng, or suffer the law (which you haue mistakē) to be executed vpon you, to giue example to others, that hereafter they be not so rash. For to cut off your vnprofitable hand, should bee rather a pleasure then a punishment to you.

The Answer.

THe zeale which I bear vnto the Commonwealth, maketh me to confesse my great preiudice, that lawes are both to bee kept and executed: and I
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further protest that it were better for mee to bee punished, then anie other (emboldened by the example of your pitie, or my fault) should commit a more hainous crime then I haue done: for I doe know that oftentimes the clemencie of the Magistrate is abused, and men are as apt to hope for fauour, as they are prone to commit faults: wherefore I would not that the pardon of my offence should bee the cause that others might offend: For the Gospell saith, that it is necessarie that offences should happen, but woe bee to him through whom the offence happeneth; God forbid then that I should bee hee, since I neuer had anie such intention: although I haue offended as a man, I will not perseuere in the same like the diuell, the first motions of our wrath are not in our power, it behooueth vs therefore to correct that afterwards by reason, which hath beene committed by rage. As I confesse to haue smiten the officer, so also doe I not refuse to lose that hand which offended, so the end that it may be as wel a remembrance to my selfe, as also an example vnto others, not to commit the like fault: the law saith, that the same hand must be cut off, which did strike the officer, why will you then cut off the other, seeing that the same is a greater breach of the law then to pardon me for all: Moreouer I am not altogether lame of this hand, nor so strong to lose the other for the offence of this: It hath serued me (such as it is) for many purposes. If I had not also had a iust occasion, anger had neuer prouoked me to haue strooken your officer, but hee being of your opinion, that lame men either ought not, or durst not strike, hath constrained me by his intolencie to shew him, that anger and feare, can make all things easie, and that necessitie hath no law; for being vrged by his iniurious speeches, and
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fearing least from words he might proceed vnto deeds, I had a desire to preuent him, and neither remembring law nor Magistrat, I haue confirmed your saying, That anger is an enemy to good counsell. But hee himselſe hauing indeed an office, (yet wanting discretion to vse it) ought not to wrong anie man, but if a man did him wrong, (as you say of me) so should hee seeke redresse thereof by iustice: and to speake a truth, there is no insolencie, which such men dare not commit vnder the colour of their office, presuming that if they doe strike anie, they shall bee either maintained, or (which worst is) acquitted for the fault: I will not say that the iudges fauour them, but their actions giue suspition thereof, also some of them doe prouoke men to strike them, to gaine monie thereby. But if the punishment were as seuer against them, as it is against others, they would be more modest. You say sir that I cannot prooue with which hand I did giue the blow, no more can hee, and to say that it is likelie to bee with the right hand, is to iudge but by coniecture, without further prooffe, which is against all sound reason: notwithstanding, I wil shew you that this coniecture is not good, because that this insolent fellow is not the first that I haue stricken with this hand, for it was a terror to my children, seruants, and such others as I did ordinarilie chastise, reseruing my sound hand for more vrgent occasions, fearing also least I should hurt it like as I did see one man, who in striking a blow did breake his arme, and another by a stroke with his fist, did put the same out of ioint, the which mischance falleth out manie times, and especiallie in striking women, for they doe curse so bitterlie, as happie is hee which escapeth their banning. Behold then how I haue beene accustomed to strike with this hand,

Of him that became Senator, and

hand, so as being stirred vp with choler, I did not remember that my right hand would haue giuen the greater blow. Wherefore it is no reason to punish that hand which offended not, and thinke not that you cannot hurt me in cutting of this hand, since it is not so vnprofitable as you say, neither can I thinke but that your meaning is rather to ioine iustice with mercie, then to desire to conuert the same into crueltie, which should be a thing abhominable before God and man.

Declamation. 7.

Of him that became Senator, and Generall of an army both at once.

THe law of the ancient Common wealth was, that no man might be the Generall of an armie, except hee were a Senator. Now it happened that two Senators did strine for the foresaid dignitie, but the whole Senate seeing their obstinacie, would not grant it to one, for offending the other, but did elect such a man, a new Senator as was approved for militarie experience, then the next day following, they made him Generall: The other two disliked thereof, saying:

NOble Senators, if you but consider that vnitie onlie maintaineth al degrees of persons, in dignitie, authoritie, and prosperitie, you would know that you had done greatlie amisse, because that there is no meanes more fit to maintaine this vnitie then loue, fauour, and requitall of benefites; not that I will say that loue is grounded, or ought to bee ground-

grounded vpon fauours, benefites, or other profit or interest: for if it were so, the profit ceasing, the loue should breake, because al friendship which is grounded vpon gaine, ouerthroweth it selfe, so great is the weaknesse of men; Wherefore I say, that true friendship is nowhere, but amongst the vertuous, & groweth between them through the affection which they doe equallie beare vnto vertue, which ingendreth in them a conformitie of manners, from whence doth spring the perfect inward friendship, the which doth proue it selfe by outward pleasures and good turnes: yet these are no other then boughs, flowers, and leaues of the perfect tree, for the fruit lieth in the verie force of loue, & vertue, which neuer abideth without reward, for she paieth her selfe with a certaine contentment, which may sooner be felt, then expressed by words. Now this loue with his qualities were requisit to be in our Senat, to maintaine vnitie therewith, but the contrarie is here found, seeing that enuie hath supplied that place which friendship ought to possesse: so in steed of vnitie, we haue nothing but dissention and discord, which doth blind the most part of vs so much, as it seemeth that we doe not know one another, but by the face onelie; and the most commendable qualities, which are our vertues, are wholie forgotten. If it were not so, what should haue mooued you (O you Senators) not onelie to defraud both of vs of our pretended dignitie, but the more to disgrace vs, to giue it vnto one that neuer was of the Senat? For it may be trulie said, that you haue done that which you will not openlie confesse, which is, that first you gaue him the estate of a Generall, or at the least you appointed him vnto it, and afterwards you made him a Senator, seeing that it was neuer before determined to receiue

ceine him into the Senat, which doth plainelie shew,
 that enuie doth make you forget your selues, for if you
 accounted vs not worthie for so waightie a charge, was
 there not some other in all the Senat, vnto whome you
 might giue that which wee demaund? is it necessarie to
 belecue that this private man is more worthie then a-
 nie of the Senators besides? If it bee so, great was the
 ingratitude of the Senate, that they receiued him no
 sooner into their societie; then when hee had there first
 made prooffe of his vertue and wisedome, you might af-
 terwards haue encreased his honours: so did our ances-
 stors, who so long time haue maintained and encreased
 this Commonwealth, which maketh me to feare that
 doing otherwise, it may decrease, God forbid I should
 say quite decay: but it cannot be denied, that all facul-
 ties doe better conserue themselves, by such meanes as
 they first tooke their beginning, and are thereby sooner
 encreased, then anie other way: but this man is rather
 made a Generall then a Senator: is not this plainelie a
 contemning of this sacred assemblie: who shall respect
 vs if we doe dishonor our selues? Being not respected,
 how shall we be obeied? Being not obeied, how can
 wee gouerne the Common-wealth? Being not gouer-
 ned, what may it looke for, but ruin and desolation. Let
 vs confesse one of these two things, that either this man
 may bee well spared, or must of necessitie be vsed; if hee
 must needs bee vsed, then surelie hee deserueth, (I will
 not say the principalitie) but more then hee hath,
 and yet there is no difference betweene the dignitie of
 a monarch and the degree of a Generall: What are
 they amongst the people that haue beene his compani-
 ons, which will not bee perswaded that they deserue as
 much or more then hee? For the most ignorant are ap-
 test

Generall of an armie at once. *Dclam. 7.*

test to beleue how they are worthie of the chiefeſt promotions, and becauſe they neuer mannage anie affaires of importance, they know not what burden and difficulties are therevnto incident, whereby they doe imagine them to be moſt eaſie: and that is the cauſe alſo that by little & little they would entrude themſelues into ſuch authorities, as wee may perceiue the ſame by the people of Rome, who after they had obtained the office of Tribun, durſt afterwards aſpire vnto al the reſt, yea and eſpeciallie to the conſulſhip; and neglecting all forraine wars, they were oftentimes vpon the point to bee ouerthrowne, without the helpe of the Dictators, and Cenſors, who by little and little reſtored the authoritie of the Senat, & it was then that Rome was able to ſubdue all the world, and we on the contrarie doe giue the people the head, for which they neuer durſt hope: Ovnhappie that wee are, who would euer haue beleued that we ſhould haue committed ſuch a fault? From the which the Lacedemonians, Athenians, Thebans, Romans, and other Commonwealths haue more carefullie kept themſelues, then from anie contagious plague: Muſt wee then bee the onelie inuenters of a thing ſo pernicious? Truelie wee may rightlie ſay that our finnes is the cauſe thereof, for when God will puniſh men, hee taketh away their vnderſtanding, as hee hath done from vs: emulations are common in euerie Common-wealth, but they ought to be honeſt, gouerned with modeſtie, without paſſing ſo farre, as paſſion may make vs forget ſuch things as bee decent. Wee are not ignorant, that manie of the Senators deſired, and deſerued the authoritie which we require: wherefore there was a more honeſt meanes to reſuſe vs, then to giue that vnto a common man, which was denied vnto

E

ſuch

such as were noble . I passe ouer with silence our deserts, but I dare trulie affirme, that there is no Senator which deserueth it not better then hee, but though hee should deserue it better then anie of vs, I demand vpon what authority this reputation conceiued and brought forth in one night, was grounded? Who will willinglie obey such a Generall, that till now hath alwaies beene commanded? Who will haue the heart to fight valiantlie vnder him? What youth of the Nobilitie will follow him? Consider that the Venetians, which are at this day most politicke people, do greatly shun to commit such a fault, or if they should haue done so (considering that the shortest follies are best) they would haue beene presentlie readie to redresse it: What doe you expect? Surelie that this man hauing once taken a tast to command, will by the fauor of the people aspire to be king. I know not what more to say, but that in this fact there is no likelihood of good, but the hurt thereof is verie manifest.

The Answer.

That friendship and vnitie whereof, you haue so largelic discoursed, is not so farre from vs as you say, how can you tell if you are as free from ambition, as we are from enuie, & from other passions, wherewith you too presumptiously do slander vs: Neuerthelesse, wee will onelie tell you, that hee who is most secret, commeth neere to the deitie; for God is verie secret and wonderfull, as well in his iudgements as in his works: which is the cause that verie often, men doe imagine that which hee sendeth to bee hurtfull for them, but within a certaine time after they

they doe find that nothing can be more wholsome vnto them : yet God doth not shew the reason vnto men wherefore hee doth it so secretlie : In like sort it is not alwaies lawfull or reasonable that the Senate should wholie declare vnto such as doe couer, or request a thing at their hands, the cause why they ought not to obtaine it, and wherefore it is giuen vnto one that neuer durst presume to demand it : content your selues then with that which we shall tell you by our owne accord and free will , more to please you then for anie need we haue so to doe: for you must not presume that you two are more wise then all the Senat beside, least you verifie the prouerbe, which saith, that the first point of follie, is for a man to thinke himselfe to be verie wise; and hee is the most foole that thinketh himselfe more wise then manie other : for so much as follie is an euill without grieve, for if were not so, one might hear more gronings, cries, and complaints then hee doth, and it may bee grieve might hinder my selfe from speaking so much. But comming to our purpose, your selues ought to consider, that no man hath denied you anie thing in dispight, but we haue not granted it vnto the one , for feare least hee should not say that which you now doe both together declare, and we haue done no smal good in vniting you so well together to cauell with vs, whereas in granting it to one, you perhaps might haue beene enemies, and yet you say that wee haue no care of vnitie, hauing notwithstanding vnited vnto our Colleague a man worthie to haue beene long since there : but it is better late then neuer, and we haue recompenced our slacknesse, by the encreasing of his authoritie. You say that he is not noble, I thinke that your ancestors made themselves noble by vertue, from whence commeth

the true lawfull nobilitie, and the bastard oftentimes commeth of the right blood: euen so vertue maketh our Generall noble, and the dignitie confirmeth this noblenes. It behoued vs to beware, not to set strife and enuie betwixt you two for this dignitie, for so much as strife betweene two men of your qualitie, is verie hurtfull to the Commonwealth. *Demosthenes* and *Eschines*, being enemies, were so dangerous to the Commonwealth, as it was necessarie to banish one of the, yet the Athenians did too late perceiue that it had been better to haue banished both together, for in the end they did know (but too late) that in thinking to keepe the best, they banished him that was least hurtfull, therefore it is good with wisdom to preuent such extremities both hateful and hurtfull. Furthermore it is not so needful as you say, to hold alwaies one maner of gouernment, for our elders changed their gouernmēt euē as the time required, prouided alwaies that they touched not the matter of Religion, the innouatiō wherof is truly verie dangerous; the which the Romans wel obserued, & yet the Hebrews better: but touching the rest, whēce shold the estate of Dictator, Censor, & other Magistrats proceed, if they had not changed the gouernment according to the occasions? and it is not to bee thought so strange a matter that we haue made this man General, being our Citizen, wel reputed and vertuous, seeing that the Romans, especially that great *Romulus* (who could not suffer his brother for companion) did wel inough endure that *Titus Tatius* (who was no Roman, but a Sabin, and not many daies before his mortal enemy) should be his cōpaniō in the kingdom; the same Romans did afterwards make *Numa Pompilius* their king, who was also a Sabin; then *Lucius Tarquinius*; *Priscus* borne in Tuscan, of the Grecians

Grecians race : then *Seruius Tullius*, not onlie a stranger but the soun of a bondman : what danger then may come by making Generall, one that is our Citizen, the which authoritie wee may take away at all times, and we need not come to this extremitie, to argue whether we may spare or of force must vse him, for euerie extremitie is odious, but it is to bee thought that the Senate hath done it for some good respect, which as I said euen now, is not to bee published abroad : but where doe you also find that the Senat ought to giue account of their deedes, to the first that shall demand the same? This were not to rule, but rather ouer miserablie to serue, and the onlie means to ouerthrow the estate : for disclosing the cause, why euerie thing is done, were the onlie meanes to aduertise the enemy of the practises which are held against them : which trulie should bee the greatest indiscretion in the world. When you speak of the Venetians, you allow our deede, for they alwaies doe take a stranger for Generall of their armie, and oftentimes men of low degree, but they must be old souldiours : as was *Gatta Melata*, who hath at this daye his image of brasle set vp in Padoua, then *Carmignola*, *Bartholmew Couillon* of Alua, and others: especiallie at another time they offered to make *Andrew Dorea* of Genoua their admirall, although the Genouans are the greatest enemies of the Venetians, and such as heretofore holding them besieged, had almost quite depriued the Venetians both of countrie and freedome : hee which should haue demanded why they would trust their army at the sea, which is al their force, in the hands of a Genouan, they would haue said that the time required it : so dooth the time require to doe that which we haue done, and we doe not amisse, immitating a far

off, this Common-wealth so greatlie esteemed by your selues. Touching this which you say that this our Generall might aspire to the kingdome, this deuise is as dangerous to you, in speaking it, as to him in thinking or enterprizing it: for speaking it you do like some such confessors, who in steed of reproouing vices, do teach them vnto those who confesse themselves, demanding of them such things as they neuer had anie knowledg of, which is a thing dangerous both for the one & the other: Wherefore I will say that if herein you offend for lacke of discretion, you doe not onely not deserue the pretended dignitie, but also you are not worthy of that which you doe hold: and if you speake vpon malice, you deserue grieuous punishment; consider then well what you haue done.

Declamation. 8.

Of the Roman Censors who were reuenged vpon Mamercus, for hauing abridged their office.

WHen the office of Censor was instituted at Rome, their authority was to continue five years, which was obserued untill the time that Mamercus Emilius, Dictator (hauing vanquished the Tuscans by his authoritie without fight) did make a law for the profit of the people, that no Censor might hold his office longer then eighteen months, with the which, the Censors being displeased, they made him to pay eight times as much contribution, as he was wont, whereof Mamercus making no account, one of his kindred opposed himselfe against the Censor, saying.


There

Here ought no Dictator to bee made without
having first great proöfe that he should not do
any thing, which were not most profitable, and
most honourable for the Common-wealth:
For this office being more great then all the rest, being
able of his absolute authoritie to doe all that which
seemeth good vnto himselfe, it is very daungerous in
the hands of a man, which is vnworthy of it, either by
his ignorance, or iniquity; for ignorance may both
cause the Common-wealth and himselfe to decay, and
iniquitie may vsurpe the gouernement: and therefore
they deserue greuous punishment who doe abuse this
office, and further I wil say, that if *Mamercus* haue not
well vsed it, he is more worthy of punishment then any
other, seeing he cannot be accounted for an ignorant
man hauing had the Dictatorship two seuerall times. I
leau a part his other honors, although they altogether
doe at large beare witnesse of his capacitie: but if he
haue not offended (as I see not that he is accused of a-
ny man) I know not what such doe deserue who doe
hurt him, whom they cannot accuse that he euer har-
med them. I doe demand, O you Censors, why you
doe encrease his contribution eight fold: is it because
(exercising the Dictatorship one yeare since) that hee
hath multiplied his wealth in such quantie, or rather
that heretofore you haue not taxed him with the eight
part of that which iustlie he ought to pay? if you haue
fauoured him so much, O you Censos, you deserue pu-
nishment, as also he deserueth not onely to lose all his
goods but like punishment, if his goods be so greatly in-
creased: for hardly could he iustly gouerne the Com-
mon-wealth, and encrease his owne substance in such

abundance, but do you verily belecue, O you Censors, that your imposition can in anie sort be the ouerthrow of *Mamercus*? Doe you not know that the more vertue is oppressed, the more she doth flourish, much like vnto saffron, which the more it is beaten, the better it groweth? Hath not *Mamercus* beene greater then you alreadie, and may he not so bee againe? What might then befall if he were so full of reuenge as you are? Do you think that it would be any benefit vnto the Common-wealth? Doth he want any meanes, friends, or fauour, as well of the Senators, as of the people? No truly: but thanks be to the Gods, he neither hath, nor euer had anie wicked intention: this one thing which aboundeth in you, is wanting in him. But what hath moued you to perlecute him so cruelly? Wherein hath hee offended you? Forsooth hee hath abridged the tearme of your authority, is not this all? Hath hee not more abridged his owne? Desiring therby to make you know, that offices are not to bee sought for: but when any one is called thereunto, hee ought to thinke vpon nothing, but the good of the Commonwealth, and for the aduancement thereof, he must neglect his own profit, the which vertue is sildome in any man, but if any such be to be found, then were it good for them & their family that they should not continue long in office, and if they bee otherwise, it were farre better for the Commonwealth that they neuer had office at all: I dare not iudge or say what you are, seeing you desire the office for five years, not considering whether you may liue so long or not, but this is the mischiefe, that your ambition, I will not say avarice, doth deceiue you in such sort, that without any other respect, you hate euen those who take care, both for the Common-wealth and for
your

your benefit, and you must not think although *Mamercus* be esteemed a noble gentleman, that he will alwaies pocket vp these your slight faults, and leaue the matter at this stay, whereby you may be emboldened to abuse either his, or any other mans patience hereafter; for henceforth we doe appoint that those which haue ben the former Censors, shall be the correctors and iudges of such as shall newly come forth of their office.

The Answer.

E do confesse that the Dictator should be such a man as you say, but you did not or at the least would not tell what els was requisit for him to doe, which is, that he ought also to consider to what end he was created, whether to repress the Tuscans, or to abolish, or abridge the authority of the officers, appointed by the Senat and people, as if he alone were wiser then all the rest. There was neuer any Dictator made, vnlesse it were to withstand those casualties which could not otherwise be redressed: We doe not stand vpon the necessity of this abridgement, but doe onely demand if it could not be done vnlesse a Dictator should by this deed embolden the people euery day to attempt new matters? And giue an example vnto the succeeding Dictators, to do other things, then those for which they are ordained: for of all things as well good as bad, the beginning is the chiefe point, so that it is most dangerous to be the ringleader vnto others to doe amisse, because suddainly they alleage the example of him that went before them? For the greater his authoritie is, that was the first inuenter of any such matter, so much the more pernicious is the same vnto the
Common-

Commonwealth : therefore we haue not done amisse, if that should happen which you say, because those which would follow his example, should also remember that such presumptuous acts do not so greatly profit, as they are supposed. But we haue not burthened him for this cause, but only because it was our dutie so to doe, and we are no more bounden to giue an account of our actions, then he is of his, the which seeme no lesse contrary to the Senat, then fauourable to the people, who are ouer insolent of themselves already : and although we will not say that *Mamercus* entendeth by this popular fauour, to performe some bad act : yet who shal hinder some to thinke that by such like means a man may imagine to aspire vnto some such vniust matter : I will not say to be tyrant, for there is more then one way to attaine vnto the same : as there are many sorts of tyrannies : Wherefore it is the duetic of a good Citizen to shew that he doth quite detest euery act that may breed any suspition. Therefore it were no wisdom to come vnto this extremitie of the deserts, either of his or our actions ; for the disputation thereof would be no lesse difficult, then dangerous : so that it were better to deferre that vntill you haue obtained (as you say) that we must be adiudged and corrected by our predecessors, in the meane season let vs now pretend that our authoritie is more then your vnderstanding doth allow it. We are not ignotant of *Mamercus* his vertue, neither can we but know what fauour, kindred, and meanes he hath, nor hath he offended vs, but rather the Magistrat, and the Common-wealth ; for hauing abridged the office, he taketh away the men euen then, when they might doe most good therein : for there is no man so perfect, that at the first committeth not some faults, or at the least

least wise doth not execute a charge better, after he hath
beene exercised in the same some years, then when he
first began to vse the same, the which neither he him-
selfe, nor you can with reason denie: neuertheles, there
is no malice in vs, but rather in you, that doe not only
accuse vs, but threaten vs, as well with the future autho-
ritie of *Mamercus*, as also that we must answer our ac-
tions vnto those that supplied this office before vs: but
considering that threatned men doe liue long, and such
as do most fear, do forest threaten: and because threat-
nings are for the most part sure weapons to defend the
threatned, we will make no account thereof: and the
rather because they come not from him, whom you
pretend to haue the greatest wrong, who is ouer wise to
vse such speeches, and though he should, yet could we
answer him well inough, no man knoweth better then
himselfe whether his wealth be increased, and whether
his imposition be ouerburdenous or no: if he doe ei-
ther affirme it, or you doe prooue it, we will answer
you, and if we haue heretofore spared him, it was be-
cause the time did so require it, and for some other re-
spects, wherewith we are not to acquaint you: Finally
Mamercus during his office, did that which he thought
good, and we during ours, neither haue, nor will doe
any thing but that which is good, honest, and reasona-
ble, and we are not to answer you for our actions. God
graunt that the people doe not belecue that *Mamercus*
hath abridged the office of Censors, for the same end
and purpose as *Spurius Melius* extended his liberality of
corne vnto them.

Of the husband for

Declamation. 9.

*Of the husband that slew his wife, for hauing lost
two of his children, the one by fire, the other by
water.*



*Certaine woman as she was washing and wiping
her little sonne, did see her yong daughter fall in-
to the fire, whereupon being ouer hastie to helpe
it, she let her sonne fall into the boule of water,
wherein he was drowned, hereupon her husband
happened to come in, who presently slew her: The womans kin-
dred apprehended him & accused him vnto the iustice, saying:*

*His wicked fellow not being content with
two mischances, would needs ad therevnto a
third mischiete: O what grieve ought ours to
be, that hauing not only lost our yoong ne-
phew, and his mother, but being iustly prouoked ther-
vnto by this damned deed, we must likewise procure
the death of this wretch, which in an vnluckie houre
was our kinsman: seeing that he alone must be the di-
shonor of all our lineage, dying as a publique spectacle
by the hands of a hangman, according to his deserts,
because he hath ben worse then a hangman to his poor
wife, whose only company he deserued not, being so
chast, honest, and vertuous, as she was, bearing a sincere
and deuout loue vnto him who was her butcher, so as
I dare say and beleue that this soule of hers, no lesse
louing, then innocent, dooth yet lament in another
world, not only in that she was martired by him, who
ought to haue loued, cherished, and defended her from
all*

all others that would haue hurt her, but also taketh pittie vpon the most iust miserie of this murther, and as whiles she liued, she alwaies preferred his contentment before her own, so now she would thinke her selfe happy, if it were possible, that she might once more die to saue his life: as did the charitable *Alcest* to saue her most deare *Admetus*: but I would demand of this wicked man, wherein his wife had deserued to die by the hands of him, who had sworne to keep and defend her from all iniurie: Alasse, an ouer vehement charitie made her commit a fault, which as it fell out was great, but to be blamed for it, she is not: For a motherly loue and a naturall charity (seeing her daughter fallen into the fire) made her forget that she held her sonne in her armes. Alack her sorrow might very well haue sufficed, not only for a penance, but also as a most sharp punishment for her offence, the which this cruell monster would neuer consider, but heaping mischief vpon mischief, shame vpon shame, hurt vpon hurt, murther vpon murther, had a desire with the price of his life to slaughter her, who loued him more then the bals of her eies, euen the same who desired not to liue, but only to please him: but there are some men (of which number this is one) who the more the poore women are obedient vnto them, the more froward and cruell doe they become towards them, neuer cherishing them but with reproches, blows, & threats, so that they being alwaies possessed, or overcharged with an excessiue feare, doe commit a thousand faults, because their minds are neuer free, to thinke vpon that which they are to doe: and who need to doubt but that the feare of this cruel man made the poore innocent forget that she should not haue hazarded the losse of one of her children, to haue
saued

saued the other : Wherefore if therein there was any fault, he is to be blamed for it, and notwithstanding, he hath made her endure a most cruell punishment therefore, is there any loue more great then that of the mothers toward the child ? Had not her pittifull lamentation for her fault committed, ben a sufficient pennance for the same ? Alasse noble iudges, the more strange this case is, the more great is our griefe, which maketh vs to doubt, whether our complaints may be heard ; and if they be heard, whether they are vnderstood, if being vnderstood, whether they be felt ; for as much as hardly may they be felt by those whom they concerne not so neerely, because another mans hurt doth neuer seem so heauy vnto any, as it is to himselfe. Wherefore we doe thoroughly assure you, that we can better feele our harm then expresse it : for when the mind is occupied with passion, the spirits must needs faint, whereby our senses are stopped, and our speech hindered. Consider with your selues, O you iudges, if it be possible, how great our misery is, and let our silence suffice to manifest that which we cannot vtter, be you then as iustly seuer, as this accursed man is wicked and cruell.

*The kindred of the accused doe
Answer.*

Although you doe imploy all your skill together with your malice, and ignorance, which you would hide, yet is the same more manifest then any other thing. You thinke that you haue shewed a great cunning in perswading that it is fit to put a man to death, who would willingly be dead already : to what end serueth so much vaine prattle ? Seeing that he denieth

nieth not his fault, and that the iudges doe know better then you, what punishment he deserueth : to what end is it to accuse such a one as accuseth himselfe ? Where doe you find that it is reasonable to vex the afflicted, with iniuries ? Or that which is worst, to encrease his affliction ? It is you that would heape mischiefe vpon mischiefe, shame vpon shame, hurt vpon hurt, and finally you would increase the number of the dead, without considering that the same passions which made this dead woman carelesse of one of her children, to saue the other, did also stirre vp this poore disgraced man, to doe that which he ought not to haue done : I passe ouer with silence, the occasions, that she might more thē once, haue giuen him to haue vsed her ill, the which he hauing hitherto patiently resisted, hath alwaies endured, considering that he could not offend her, being the halfe of his flesh, without hurting himselfe : but at the last being prouoked in such sort as he was, blinded with a rage, no lesse extreame then iust, he hath done that which was no sooner executed, but he would haue reuoked it with the price of his owne life, the which he yet doth offer, to make satisfaction for his fault, for the which he is so penitent, that he will thinke himself happy to finish his griefe by death : but euen as iustice suffereth not those offenders to die, who would afterward liue honestly and well, so is it not reasonable to put those to death that desire the same : and like as they do not excuse, or dissemble with those, although no great accusation is brought against thē, that be malefactors, so also ought not their sentence, to be the more seuerer for the multitude, or sharpe and cruell words of the accusers, but moderating the rigour of the lawes, according to the equity of their conscience, they ought to
iudge

iudge rightly, not laying all the fault vpon him that is accused, nor also wholie acquiting her that is dead, seeing that she is not altogether faultlesse. I will not here alleage any more reasons vpon coniecture as you do, of the loue that she did beare vnto her husband, for he might say, that he loued her as well, for against such as we do best loue, are we most extreanely angrie, when the cause is great: but let vs put the case that he was restie, froward, and cruell, as you say, ought not she then to haue hidden her fault for a time, and after haue caused some other to haue told him, or rather haue hidden her selfe, to auoid his first anger? You will say, that her passion did blind her iudgement: this excuse serueth as much for him as for her: but this is the mischiefe, that the most part of women are neuer readie nor aduised in doing any thing but mischiefe, Wherevnto they applie their wits so much, that they are to seek in doing good: for if it were otherwise, a man should not see a woman naturally more readie to frame an excuse, inuent a deceit, or a leasing, and other such like remedies then a verie wise man could doe, Whereof also they make their boast: Finallie none can know their subtilties, malice, forwardnesse to mischiefe, and slacknesse to goodnesse, so well as he that is married, and yet they that haue ben often married know best, for if those which are once married, deserue to be placed in the rancks of such as are diseased, the others may be accounted in the number of those that are mad. Touching your other reasons there is no need to answere them, sauing only that the womans friends and kindred haue their ears continually full of the imperfections of their husbands, the which when anie mischiefe happeneth, they can tell how to augment them, without considering that their
own

own wiues doe say as as much of them : Lastly, it may please the iudges to haue more regard vnto this poore accused soule, then to the insolent babble of his spightfull accusers : for who can be more worthie of pittie, then he vnto whom life is more bitter then death.

Declamation. 16.

Of Caius Seruilius, who is accused to haue slaine Spurius Melius, that had releued the people during the famine.



*I*n Rome during the time of the sixtie eight Consulship, the famine was so exceeding great, that many of the common people did throw themselves into the Tiber : then Spurius Melius, one of the order of the knights, a verie rich man, hauing great acquaintaince in Tuscan, caused a great quantitie of corne to be brought from thence, the which he did freely distribut among the people for a gift, so that by this meanes hauing gained the peoples loue, he aspired to the kingdome, whereupon being warned before the Dictator, he not only refusing to come, but also moouing the people to sedition, was slaine by Caius Seruilius Hala, maister of the knights, who shortly after was for this fact accused as an offender, by one of the Tribuns of the people, who said :

How can a cittie be tearmed free, or well gouerned, where it is lawfull to kill a Citizen vnder the colour of a crime, before he be not only con-
F dem-

demned, but also before his cause be tried, or his accuser knowne : and what man was he? Surely a man who in such a time being dead, ought to be raised to life againe, if it were possible : a man noble by his vertue, abounding in riches, the which he knew how to distribute, not onely according to the true order of liberalitie, but with a wonderful and more then humane charitie : but what charitie can be more great then imitating the gods, to preserue the poore from death? and especially from hunger, which in truth is the horriblest death of all others : how wicked then is the nature of those, who desiring not to follow his vertue, haue borne him such hate, that being prouoked to rage at the report of one only accuser, (and it may be suborned) haue deprived him of life : some will say that he would not appeare before the Dictator : was there no other meanes to cause *Spurius* appeare, but first by placing guards through all the streets, and afterwards to send vnto him the master of the knights, to tell him that the Dictator demanded for him, and consequently that he was accused for aspiring to be tyrant? What man in the world is so resolute, that he will come on the sodain hearing that he is accused of treason? That knoweth a Dictator to be expressely chosen to condemne him, the which officer is neuer made, but vpon special cause, and to repressse the enemies to the Commonwealth? That beholdeth a maister of the knights, chosen of purpose to carrie him away : Who would not be meruailously astonished at this, because the more innocent a man is, the more amased is he in the like extremitie? for it is very manifest, that those that are culpable, foreseeing the dangers wherein they aduenture themselves, doe also foresee to provide for remedies, or at the least, whē dan-

dangers do happen, they are least astonished: but this man being as much afraid, as innocent, endeououred to flie, to the end he might haue some leasure to consider from whence this so suddaine milchiete proceeded, or to auoid the first rage of the Dictator: who hauing his ears cloied with accusations, and his mind occupied with passion, and anger against the accused (as he did very well manifest, sending to seeke him with such furie,) he dispaired to find anie place reserued to heare, much lesse to waigh his iust excuses: was there no meanes to send for him after a more modest order? It seemeth no; because they would find an occasion to do that which was done. If the commission of *Seruilus* was to slay him? There was no need to expect anie further course of law. If his authoritie were but to fetch him, he could not kill him, without being in verie great fault, although *Spurius* had beene an offender? For hauing pursued him so neere, he might as well haue taken him, and brought him away with him, as murther him. Is it possible that a maister of the knights was such a coward, that he durst not, being armed on horseback, lay his hands vpon a man running away? But I pray God that this be not true, which the people do murmure abroad: to wit, that *Seruilus* doubted of the truth of the accusation, wherefore finding in his owne iudgement, an occasion to deprive the partie accused, of audience, and a means to iustifie himselfe, he serued his owne turne filie: to satisfie the malice of the Senators, and the greedie auarice of the vsurers, who by the liberalitie of *Spurius*, lost the meanes to finish the deuouring of all the poore people: for such is the nature of the malicious, enuious, and couetous people, the one kind of which, doe thinke themselves vndone to see another

man prosper; the other imagine that they are disgraced, if any one attaine vnto honor; and the third sort more worse then all the rest, doe thinke that to be lost out of their owne goods, which they cannot wrest foorth of the substance of another: wherefore such people are hurtfull to all men, and worst of all to themselues, for they take as little pleasure in that which they haue of their owne, as in that which they haue not at all: so that they possessing nothing but riches, doe neuer any good but when they die: for then is their vnprofitable treasure set at libertie, and the Commonwealth is freed from their greedie deuourings. I passe ouer with silence that some doe presume, seeing *Seruilius* triumph thorow the cittie, with his sword all bloody in his hand, that he had some particular malice against him, and the more constantly is it affirmed, because he might as well haue taken him as slaine him: others doe say that this blocke was throwne in his way, to confiscate his goods, and they say that if it had been otherwise, all the Senat together had more cause to appease the people, then *Spurius* alone; for they knowing how he was by dutie bounden, had no occasion to stand in any doubt at all of *Spurius*: but it is pittie when men will not only do no good themselues, but also persecute those which do it. God graunt that this which the people speake so rashly concerning the Senat, be not very true: but as touching *Seruilius* he cannot denie, seeing that (besides the boasting that is made thereof) there are store of witnesses, that he hath killed *Spurius*, and not one will say that the other made any resistance, wherefore we demaund that iustice may be executed vpon him who hath beene the cause that the same was not done vpon *Spurius*, if he were culpable, and if he were not, then we require it, be-

because he hath slaine an innocent.

The Answer.

A She whom I haue slaine was not guiltlesse, so also I haue not only seene justice executed vpon the offender, but haue further done it my selfe, because I could not other wise chuse; for it is manifest, that he is a malefactor that denieth to come to his answer, and he doth sufficiently resist and make his defence, that flieth from him that is sent to bring him: touching the proof, how can those be witnesses against him, whom he had already suborned? Especially such as assembled themselues to rescue him from me, if I had taken him alive: I will not say those which euen now called him their God, and preseruer of their liues, a matter illbeleeming the Citizens of Rome, who ought rather to reward me for hauing rooted from amongst them such a one, who like vnto the fisher, and fouler, (that with a little bait, deceaueth both the fish and birds, depruiuing the one of their libertie, the other of their liues) would also doe the like by them: but it is commonly seen that as the belly hath no eares, so also hath the stomacke no discretion, the which is apparently prooued by the confederats of *Spurius*: wherefore it belongeth to you noble citizens, that are not bounden vnto him, and which haue not sold your libertie for a morcell of bread: to you I say it belongeth to consider what I haue deserued, hauing slaine him, who with the helpe of a few faint hearted fooles would captiuat your sweet libertie: as for that which the Tribun saith of the peoples mourning against the Senat, if he himselfe be not the inuenter thereof, yet it is a signe at the

least, that the people which vse such conference with him, doe very well know, that he taketh pleasure therein, for if there were no eares that delighted in hearing slanderous speeches, there would be few slanderous tongues: but how could I bring him aliue, seeing the people do yet so greatly affect him, because time which changeth all thinges, hath not as yet changed their minds, but rather increased the same. If that be true which the Tribun doth rashly say against the Senat? A man may easily tearme *Spurius* another manner of man then you say he is, although the crime had beene lesse dangerous then it is: but when the matter concerneth the preservation of our libertie (seeing there was no respect had vnto the sonnes of *Brutus* being faultie, nor vnto *Collatin* being innocent, and partly the author of the said freedome) why should *Spurius* be respected? And as you say that the Dictator is not chosen, but in great extremitie, his election doth sufficiently witnesse the extremity wherein the Commonwealth remained: true it is, that I told him, wherein he was accused, to the end that if he were guiltlesse, he might be lesse afraid to appeare before the Dictator, and being guiltie, haue the better meanes to thinke vpon his excuse; but he had no desire to take the benefit of my aduertisement, but as one alreadie condemned by his owne conscience, he endeuoured to flie away, for a true signe, that he is a malefactor which distrusteth as much in himselfe, as in the iudges: if he had not beene faultie, why was he so fearefull? Seeing that innocencie dooth alwaies assure those that imbrace her: but we may see by him, that Tyrannie is like vnto a faire and pleasant pallace, that is high enough, but yet without staires or steps to come downe without breaking ones necke: euen so those
which

which by pride and ambition thinke to attain vnto honour and profit, doe for the most part meet with shame and confusion: he needed not to feare that he should not haue had time and place to excuse himselfe, seeing that there was neuer anie Citizen condemned in Rome, if his cause were but only doubtful: if his meaning were good in distributing the corne, why did he not come to declare the same vnto the Dictator? Finally if he had beene as innocent as he was culpable, I am not in any sort to be blamed, seeing the Dictator hath not only allowed, but also publickely lauded my deed. I list not therefore further to dispute of his innocencie, or his offence, but rather the accuser that did accuse him: And it appertaineth vnto the Dictator to defend me, hauing performed my charge according to his commandements, seeing that euen when I had done it, he allowed my fact to be good: and worthie for a maister of the knights as I was. But who will any more obey the Dictators, if when after their authoritie is expired, it may be lawfull for any man to sue those which doe accomplish their commandements?

Declamation. II.

Of the wife of a Tyrant, who hauing slaine her husband, required his sonne for a recompence.



He law appointed, that whosoever killed a Tyrant, should obtaine of the Commonwealth whatsoeuer he demandeth, except onely the gouernement thereof: Moreouer, the same law saith, that after the death of the Tyrant, all such as were neere of kinne vnto him, must likewise die, al-

though they be nothing culpable: Wherupon it happened, that the wife of the Tyrant (not knowing any cause why) did slay her husband, and required for recompence of her fact, that her sonnes life might be saued, and exempted from the foresaid law: but the Citizens declared that the same could not bee done, saying:

THe same law that promiseth you a reward, doth denie you him whom you demand, seeing that it commandeth expressely, that all the kindred of the Tyrant should die: wherefore if any other then your selfe had slaine him, you should haue beene one of the same number, yea and the first of all, as she that was neerer vnto him then any other of his kinne, and so consequently the chiefeest partaker of his Tyrannie: but yet to fauour you, we will not now dispute vpon the cause of your killing of him, whether the same was done through hate, anger, or for some other particular reason, without anie regard at all of the common good: for although no act, be it neuer so good, is to be performed by any wicked meanes, yet do we allow your fact for good and laudable, and you may induce vs, to beleue that you haue done it in a good zeale, and for our benefit, so that you will not desire to saue the Tyrants sonnes life: for in preseruing it, you shall not haue slaine, but reuiued the Tyrant, neither yet ended, but prolonged the Tyrannie, because it is more likely that a yoong man will liue longer then an old: for surely, although the Tyrants sonne be neuer so well disposed, yet shall we alwaies suspect him, can there be anie greater tyrannie then to stand in doubt of it continually, seeing that of all euils, feare is the cruellest part, for without it death it selfe should be a soueraigne good:

good : Truly a knowne Tyrannie, were farre lesse grie-
 uous then a daily feare to fall into it would be, for the
 Prouerb saith, That much better is a knowne mischiefe,
 then a doubtfull pleasure: how much then ought we to
 preferre a certaine good, before a manifest euill? of the
 which good we can neuer be assured, so long as the ty-
 rants sonne doth liue : for the desire of reuenge is so
 whot, and the couetousnesse to commaund and rule so
 vehement, that hardly may he forget who was his fa-
 ther : also it is to be feared that you would neuer haue
 slaine the fire, if you had not thereby hoped one day to
 see the sonne in his seat : which would be worse for vs,
 then if the father were yet liuing. You will say, that the
 banishment of him whom we feare, might very well
 put vs out of doubt, the which can in no sort be so, be-
 cause our enemies which might helpe him with their
 fauour and counsell are abroad. *Coriolanus* being bani-
 shed, would haue destroyed Rome, had not his mother
 by her wise perswasions preuented him, so also would
 this our enemy not be the first, that of an exile would
 aspire to be king, for such as are farre from their coun-
 trie, experience and want, maketh them much more in-
 dustrious, and resolute, so that so long as he liueth, wee
 shall be like him that holdeth the wolfe by the eares,
 who no sooner is let lose, but he doth mischiefe, and to
 hold him still, is both irksome and dangerous : for as
 the wolfe hurteth those whom he seeth, before he be
 spied, euen so this race of aspiring Tirants infect the
 righteous minds of those which are not well acquain-
 ted with their nature. But would you willingly incurre
 this blame to haue slaine your husband for some other
 cause, rather then for the good of the Commonwealth?
 we haue no such bad opinion of you yet, let your good
 deed.

deed then be sound, and without spot, rather then to demand such a thing, whereof vnto you there would come exceeding mischiefe, and vnto vs most great danger; like as you know, that the law saith, that the Tyrant killer should be rewarded, so you may remember as wel (as the reward) that it also saith, that all the Tirants kindred ought to be put to death. If you haue slaine your husband, neither for loue of the law, nor for the good of the land, you are greatly to be blamed, and to be punished for murthering your husband: but if your zeale be good, suffer then that good may come therof. You will say, my sonne is young: true it is, and therefore he may the more easily grow worse then better, as those doe who are by nature borne vicious, and they are such for the most part as are borne of tyrannous parents, as his father hath ben prooued, and so shall you likewise be, if you obey not the law. Finally the father and the mother haue ben both very resolute, the one to vsurpe, the other either to suppressse or desirous to renue the tirannie: vntill now we doe not know whether of the twain was meant: but we know very well how dangerous the preseruiug of a son borne of such parents is, whose qualities he may very well follow: resolute you then to put vs out of doubt (in asking such a reward as may be graunted) that to a good and vertuous end you murthered the tirant, or els prepare you to receiue such punishment as a woman deserueth, that for her owne particular passions hath slaine her husband.

The Answer.

HOW now my good lords and friends? Are you desirous that in you this detestable Prouerbe should bee veresied, which saith, That there is nothing more vnconstant, vnthankful, and more exceeding

ding insolent then the common people, so soon as they perceiue themselues free from feare? It should seeme then by this, that tyrannie, keeping you in awe and so consequently in obedience, would be more profitable for you then libertie: but God forbid that so it should be said of my councitmen: I had rather die a thousand times if it were possible: and seeing I haue not spared mine owne husband for the good of the Commonwealth, neuer thinke that I would spare my sonnes life, yea or mine owne vnto your preiudice. But I feare that we thinking to doe well, both you and I shall be blamed: I of crueltie, and you of crueltie and ingratitude together: for greater crueltie is it to slay an innocent, then to pardon an hundred offenders; consider then that her sonne who hath set you at libertie, hath neuer offended the Commonwealth, but as yoong as he is, he hath alwaies seemed to abhorre the cruelties of his father, who being put to death by my hands, the child hath verie constantly showne himselfe to be more glad for the benefit of the Commonwealth, then sorrie for the death of his father, and with a great contentment hath he left off his gorgeous apparell, and his accustomed delicacie, to conforme himselfe after my will, like vnto the rest of the Citizens: Why then my very good lords doe you desire the death of an innocent, which sheweth himselfe so affectioned towards you? And such a one as may one day do you good seruice? wherefore doe you not as well consider the good which he may doe vnto you, as the mischief which you imagine to be done already by him? But the hate which you did beare vnto the father, you turn vpon the son, when you say that he is the sonne of a Tirant, why doe you not as well say that he is her sonne that slew the tirant:

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If you wil not loue him for my sake, at the least let your hate be as little as your loue, and condemne him not, before he haue offended: let him liue a while, and if he commit the least offence in the world punish him with death: loe then the gift which I doe craue for the reward of my desert, not the life of my sonne, but the delay of his death: you say that it is not you, but the law which requireth his death: it is to be considered, that all the interpretations or gloses of the laws, ought rather to tend vnto clemencie then vnto rigour; and principally when the effect thereof tendeth vnto crueltie: for this law which saith, that all the kinne and adherents of the tirant must die, ought to be vnderstood of those which haue aided and assisted him to exercise his tirannie, or that haue beene his partakers therein: but wherein might this poor innocent haue offended, who knoweth not as yet what tirannie meaneth? you must then remember my lords, that he is her son who hath made the zeale of her countrie striue and triumph over the name of a Princeesse, over the delights of the world; over soueraigntie so greatly desired of women, the which they themselves are vnapt to obtaine, over wealth, the which they so much esteeme, and finally ouer a husbands loue, and a vowed faith: and that which is not the least, esteeming all impartial pleasures as base, in respect of your generall profit. Remember that I haue deprived my self of my husband, that I haue slain my child his father: what zeale would you haue more great towards our fellow countrymen? But if there were the least shew in the world that he would euer be preiudiciall vnto you, I would not let for any thing to sacrifice him by and by for your safetie: but seeing I am certaine that he will become a very good Citizen and a
faith-

faithfull louer of his cuntry : following the same example which I haue giuen, beleeue me firs that I had rather die then he should, as also I will not liue any longer after his death. Will you iustlie deserue this infamie O you Citizens, not onelie to haue beene vnwilling to giue the promised reward vnto her that redeemed you? But also to haue ben the cause that she suffered a death more sorrowfull then the miserable *Hecuba*? Alas, alas, why doe you not as well beleeue that he may prooue good as his mother, which is the surer side? and that he may not be so bad as the father of whome you haue beene reuenged by the hands of her, who more then any other was bounden vnto you. You must beleeue that the gods are iust and pittifull, and in this onlie point of pittie, men may follow them; and make themselues almost like vnto them, as the Prouerb saith, That one man is a god vnto another, and sometimes a wolfe vnto a man; take you the that part which is most commendable. O courteous lords beware that you incurre not the anger of the gods & the reproch of men, and that which is worst of al, take heed least your ingratitude, or your ouer great desire of reuenge, be not the cause to make you lose the good wils of such, who in some other vrgent affairs may aid, or doe you some worthie seruice: For ingratitude and crueltie are abominable both before God and men.

Declamation. 12.

Of him who vnder coulour of obeying his father, displeased the priest that administred the sacraments vnto him.

A



Certaine honourable ladie being at the point of death, made her last will and testament after the desire of her curate: who had more respect vnto his owne particular profit and the commodity of the church, then to any the benefite of her kindred: whereupon so long as the ladie was able to say I, he alwaies added something or other vnto the will: when neither any of the sonnes, nor the father himselfe either would or durst gainsay him in any thing he did, for feare of troubling the mind of the sicke woman: but after her death and that the funerals were ended, there was some motion made to haue the said will reformed: wherevnto the curate would in no sort consent, but compelled the heires and executors to performe the same, vnto their great grieve. Some small time after, the husband of the deceased chanced to fall into the like sicknesse, and the curat handeled him after the same sort, as he vsed his wife, euen vnto his last gaspe, so that the poore man because he would leaue the world in peace, did still answer I: the which the eldest sonne perceiuing, (who but a little before was returned from the warres) he began to bee exceeding angrie: and imagined which way he might be reuenged of the Priest: Wherefore comming neere vnto the bed, he also began to increase the number of the masses, and dirges, wher vnto the pacient stil answered, then in the end he said aloud, Is it your will that the curate be presently throwne down the staires? the sicke man said I, againe, not vnderstanding what his sonne said: the same was no sooner spoken, but the sonne tooke the Priest by the neck, and throwing him downe the staires, brake one of his armes. The curate accused him, and protested that he had wronged him, saying:

What

WHat treason may be more execrable then this, being committed vnder the coulour of pittie? I was called to comfort the sicke, to administer vnto him the holy sacraments, & to admonish him of his soules health: when this vngodly fellow approached neere vnto the bed, and faining to assist my deuout intention, did wickedly betray me, as is manifestly to be seene by the maiming of my limmes. The deriding of the sacred reliques, and abusing of the patients will, might well haue sufficed, without further adding therevnto this outrage. Who shal henceforth be the pastor, that dare instruct the diseased to haue a care of their saluation? Secing the thanks which they haue, and the recompence which they receiue therefore, is the assaying to breake their necke? Verie true is that, which is commonly spoken of such as follow warres, which is, that they neuer take pleasure in anie thing, but in doing mischief; and that they as much despise those things which are sacred and holie, as they doe esteeme such as are prophane. This lewd fellow hath not only sticked to slander his owne father, at the houre of his death, but also careth not although he be damned for euer. O child of perdition, dost thou not know that at the last gaspe consisteth either the saluation or damnation of men? How manie are there, who hauing alwaies liued godlie, doe damne themselves at the last houre; and others hauing bene wicked, that by their end haue been saued? The good *Dismas* who was crucified at the right hand of our Lord, sheweth vs an example of the one, and *Iudas* an Apostle of the same Christ, is a figure of the other: how durst thou the trouble the last thoughts of thy father by thy insolencie? Especially outraging him

Of him who displeased a Priest vnder

him whom with all thy might thou oughtest to defend, seeing that we doe here represent the Diuinitie: for the Pope representeth God, the Archbishop the Pope, the Bishop the Archbishop, and the Curate the bishop. I require then that the wrongs done vnto God, the Pope, the Archbishop, the Bishop, and to my person, may be repaired, and that he which hath committed it, may be punished according to his deserts: to the end that all such insolent persons, that will not bridle their affects, for the reuerence which they owe vnto God and his Church, may by his example beware that they incurre not the like punishment.

The Answer.

O you call that Treason, to performe the same thing, the which you heretofore by law compelled vs to doe? That is, to fulfill the testators last Will: Now it is to be considered, that in all things we doe, we must begin at one end; as for me, I began first with the last, and the rather because the same not being set downe in writing, I feared that it might haue ben forgotten, or least by deferring of time (which is verie often the losse of occasion) I might be hindered from effecting the last commandement of my father: as also because he long before made a signe vnto me, that I should rid him from your companie, who had no other talke with him, but of temporall matters, that he might wholie apply his mind vnto God, and therefore he graunted vnto euerie thing which you demaunded, thinking that the best way to dispatch him from your importunities; but had you had your owne will, I beleeue you had ben there yet to trouble him: wherefore

I am not to be blamed, if I had a desire to doe this last seruice for my father, vnto whom I am more bounden then to you: for I remember verie well, that you your selfe (at such times as in my youth I came vnto you to shrieue) did alwaies inioine me to doe whatsoeuer my father and mother commanded me, without exception of anie thing: and if otherwise I did, I should be damned: thinke not then maister Parson, that for respecting you ouermuch, I will be damned: Moreouer you haue so manie times preached vnto vs, that a man must honour his lather and mother, and that it is the first commandement that hath anie reward promised vpon the earth: how could I then better honor my father, then hauing compassion to see him so importuned, to deliuer him from such a paine, according to his good commandement? If you had taken as great care to the patient, as you did to the Notarie, you should verie well haue perceiued how he made a signe with his head that the same should be done which I did, though not so soon as I ought, because I would first be informed what his will was, which so soone as I vnderstood, I suddenly put it in effect, without suffering it to be set downe in writing, for feare least others seeing this testament, should also put in practise this last point, whē you gaue them the like occasion: could I then offend you when I thought vpon your chiefest benefite? Also I cannot beleue that I haue slandered my father, in yeelding such obedience as was due vnto him, and giuing him the means to apply his last thoughts vnto his true saluation: if there be anie fault done, it proceedeth of this, that I did not exactly vnderstand the progression of your dignitie, for I did thinke that men so worthie, ought to approach more neere the perfection of him, whom you

G

fay

Of him that would disherit his brother,
say they doe represent: This is all wherein I may haue
failed, for the rest I referre me to the iudgement of
those, which are of more knowledge then either you or
I am.

Declamation. 13.

*Of him that would disherit his brother, because he
had smitten his father.*

IT was an ancient law, that whosoever
did smite his father should be disinherited:
whereupon it chaunced that a certaine
yoong man being drunken, did strike his
father, who imputing the fault vnto the
wine, both dissembled the matter, and
pardoned the offence: but the father be-
ing dead, without making any will, the yoonger brother would
haue his elder brother to lose his inheritance, because he had
offended the law, saying:

YOU know O you iust iudges, that which the law
hath appointed for those that strike their father, I
require the execution thereof, and it must not serue his
turne to say that the wine made him to doe it, for such
an answer in steed of an excuse, would make him dou-
ble in fault, and he is as well worthie to be excluded
from anie part of his mothers good, as he is to lose eue-
rie whit of his fathers inheritance: the one because he
did beat his father, and the other because he vseth to be
drunken, for the drunkard is more worse then a brute
beast, which neuer drinketh but to maintaine life, but it
see-

seemeth that the drunkards liueth to no other end but onely to drinke. What mischiefe happeneth not thorow this vice of drunkennesse? The Patriatke *Noe* was the first that planted the vine, so also he was the first that was drunke therewith: what happened vnto him thereby? Nothing but onelie shame, anger, and displeasure; *Lot* also being drunken, committed incest with his daughters: *Cambisses* being reprooued by one of his faithfull counsellors, because he was commonlie drunk, did with an arrow strike through the heart of the said counsellors sonne, saieng, can he be drunke that shoots so faire a shot? That great conqueror *Alexander* slew his Foster brother *Clitus*, comming from his banquet, and afterwards being sober, he would haue slaine himselfe for sorrow: but who knowes not that such fruits come of drunkennesse? Wherefore they being double in fault which commit wickednesse thorow that vice, deserue double punishment. And now to returne vnto our first matter, who will not say that my brother ought to lose his inheritance, seeing that he hath strooken our father, because the same maketh a doubt whether he be his sonne or no; and if he be his sonne, as I belecue he is, the greater is his ingratitude, wherefore there is no need to stand vpon my fathers dissembling or pardoning of the wrong, for as much as I should likewise haue consented therevnto: but I will still say that it is fit to hang vp the vessels which doe containe such pestiferous licquor, and that there is too much fauor shown vnto those, who for drinking ouermuch, and afterwards bearing their father, are but onlie disherited.

The Answer.

YOU blame me for an offence, the which I know not whether I did it or not, or if I did it, at the least it

Of him that would disherit his brother,

was against my wil, but were the matter as you say it is; Yet were it not to be attributed to my fault, because I did not know him whom I offended. Trulie I confesse that I haue misdona in drinking too much, but you do most wickedlie sinne through malice, in going about to alter the meaning of your deceased father, and to disherite your brother, that neuer did you anie wrong. Wherefore do you desire that a fathers kindnes should be abused? Why doe you make the world to doubt whether you be his sonne, and my brother? That he is my father his pittie hath declared, but your ambition and extreame auarice makes me doubt whether you be my brother, for brethren ought to loue together, and helpe one another, yea if need were to die one for another, as did *Castor and Pollux*, *Agamemnon* and *Menelaus*, with diuers others, whose fame shall be immortall; for this affection wanting, vndoubtedly they are no more brethren, but far greater enemies then strangers can be. I confesse also that wine is the cause of great mischiefes, and therefore I will keepe me from it, but you your selfe, do bring in a sufficient excuse for me, in saying that so manie great parsonages, being overcome with wine, haue committed verie great faults, as well as I: as touching the double punishment which you would haue, your passion maketh you to giue that counsell, which neuer heretofore hath beene allowed for currant, but tell me who hath made you more wise then our father, and those that sit in iudgement, that you will make new lawes? Seeing that you haue receiued no offence thereby, and that our father hath made no complaint thereof at all. It is manifestlie to be seene that couetousnesse, and not a sonnes loue, inciteth you against me; for if such a zeale did stirre you vp, why made

brother, for smiting his father. *Declam. 14.*

83

made you not your request during our fathers life? But you knowing verie well, that he was not, or at the least thought himself not offended, haue staied for his death to ouerthrow your brother.

Declamation. 14.

Of one that to escape his enemies, took away a Priests horse by force.



Crtaine man flying from his enemies that would haue slaine him, met with a Priest on horsebacke, whom he praied to sell or lend him his horse in that extremitie, the Priest flatly denied him: the other tooke the horse by force: and afterwards hauing escaped, he sent home the horse againe together with a good reward, neuerthelesse the Priest accused him of theft, and said:

THe chiefest point of iustice, by the which the Common-wealth ought to be maintained in peace, is that euerie one may quietlie possesse without anie let or disturbance, that which he hath iustlie gotten: As for me I will prooue verie well that I haue bought, and trulie paid for my horse, neuertheles it hath beene violently taken from vnder me, euē when I had most vrgent cause to vse him, for I was going to confesse and comfort a sicke person, who through the fault of him that tooke away my horse, is dead without confession: behold now by this meanes a soule in danger of eternall damnation, for it is the burthen of sins, that causeth soules to be lost: in like sort I was in dou-

ble daunger of my life; one way, if his enemies had knowne that he had preuailed by my horse to escape from them; another, for the feare that he did put me in together with the force that he did vse in taking away my horse, as also because I was compelled to goe well three long houres a foot before I could find any house, whereby I caught such a quartine feuer as will easilie bring me to my graue, for as the quartine feuer purgeth and maketh yoong men to grow, so doth it kill such old men as I am: but although all this were not likelie, yet ought iustice to be done, as an example for theeues, otherwise shall no man be able to trauell the countrie: if such a one be pardoned as robbeth a Priest, why shall not he hope for the like that robbeth a Marchant? You will say I haue restored your horse, and rewarded you with a gift as much as the horse might bee woorth; the matter consisteth not therein, but in that you did take him from me against my wil, with violence, and threats; But in restoring of my horse, haue you raised the dead to life againe to receiue confession? And am I cured of my disease? Especially if your enemies had ouertaken you, who should haue restored me my horse: Seeing I knew not who you were, but onelie hee which robbed me. I require and hope that such iustice shall be extended towards mee as will make others by your example to respect those, who are recommended vnto them from God and the church.

The Answer.

IF I had taken your horse through malice, conetousnesse or other vild meaning, your reasons were to be esteemed, but I did pray you either to lend him, or sell him vnto me to saue my life, yet you being more hard to bee entreated then the boisterous wind or raging

ging waues, had no pittie of my distresse, wherevpon your crueltie constrained me against my will, to commit that which in no sort I had determined to doe, but what is he that will not endeouour by all the meanes he can to escape death? Assure you that in such a daunger I had no leasure to consider the inconueniences that might happen, nor to thinke vpon either of our deaths that might haue chaunced by this deed; for I might haue died without confession as well as the other, and in a worser sort then by a quartine ague, whereof you feare to die. I confesse that I haue offended you, and am readie to make you such amends as shall bee thought meet, but I could doe no lesse, without losing my life at the same time. If one will do much to deferre his death a little while, why should it not bee lawfull for me to saue my life altogether? The which for a need, I would bestow for you. Finallie necessitie hath no law, and that cannot be tearmed a robberie which I haue done: for there is nothing so well done, if one will haue respect vnto the chances that may come thereof, but may be thought ill done: for humane actions are such, that in all things, there is more danger then assurance: therefore our actions are not to be iudged by the euent thereof, but by the intent of them that do them: what would be said then, if being willing to draw you forth of a pit (wherein you might happen to fall) I should chance to breake your necke, Should I be guiltie thereof? How manie men are killed by the Phisitions, thinking to cure them? Are they punished therefore? No truly, because their meaning was not hurtful, no more also was mine, as I haue declared by my liberall restitution: but consider that necessitie maketh many things lawfull, and that it is so, it is writtē that *David* (being compelled through

Of one that bargained to kill a man, and

hunger) entred into the temple, and he and his man did eat vp the shew bread; The which was lawfull for none but the Priests to eat: also manie times sacred and holie things are gaged, & sold through necessitie, how much more lawfull then is it for a man to take a horse to saue his life, with a good intent to make satisfaction? although you are a sacred parson (sir) yet I hope you are too wise to beleue that your horse is one, so also I wold not haue the Prouerb to be verified in you, which saith, that neuer Priest nor woman could either pardon an offence, or acknowledge anie seruice done vnto them: this were a vice farre vnfitting your profession: but finally seeing you will in no sort be satisfied with reason, you are as much bound to beleue the iudges, as I am to endure that which it shal please them to adiudge me, and so shall I neither be bound to you in any thing, nor for anie thing, seeing you haue brought mee to the extremitie of the law.

Declamation. 15.

Of him that after he had bargained with a souldior to kill his enemy, did forthwith repent him of the fact.



Certaine man bargained with a souldiour to kill his enemy, but afterwards repented him, and forbad him in any sort to touch him, to the end to hurt him: and this hee did in the presence of two witnesses: the souldiour notwithstanding went on forward and killed him, and afterward was taken and condemned to die, but the Attorney Generall accused the man that

that had hired him of this capitall crime, saying:

Hall it then be tollerated in a Commonwealth that anie man may hire one to murther another, at his owne pleasure? As if there were no iustice to determine their controuerfies and quarels? If such faults may be excused, or wincked at, who shall be anie where in safetie? If it bee an offence but onlie to imagine such a wickednesse, how much more then is it to commit it? And so much the greater is this fact, as that he was not contented to offend himselfe alone, but that he hath likewise prouoked another to be partaker of his villanie, especially with the price of his monie, moreouer it is a capitall crime when one enimie killeth another, how much more hainous is it then, when one goeth about to cause him to be murdered by such a one, as not onlie wisheth him no hurt at all, but also by such a one as skantlie knoweth him? What infection? What plague? What abomination can be more great in a Common-wealth then this? If whooredome be punishable, the which were it not for the reproch thereof, is rather an encreasing, then a losse vnto the Common-wealth; What punishment may be seuerer inough for those as will infect the same with such murthers? If this crime be not sharplie punished, euerie one will boldlie enterprise vpon anie small occasion to cause his aduersarie to be slaine if he can, and if he cannot, he will say then that he is sorrie that euer hee thought to doe so bad a deed; as this man saith: One would not beleue that such a wicknesse would bee inuented amongst men, or if a man did know it, hardlie should it be beleueed: but those which doe beleue it, ought also to know, see, and beleue the punishment due

due vnto the same, and the mischief that for such hainous crimes doth happen vnto those that commit the. This man saith, I did forbid him in the presence of two witnesses, commanding him not to kill mine enemy; as for me, I thinke but suspitiouſlie of those witnesses, for if they had ben honest, and iust men, they would haue found the means to warned the other, wiselie to beware of him that had already conspired his death, as also of him that was to take away his life: or els they should haue aduertised the iustice, that there was a murder in the cittie, that for monie would vndertake to slay men, and by that meanes, there had not happened so great a wickednesse: and that which is worst, it is verie likelie that after he had forbidden him, he did againe command him without anie other witnes, but the monie giuen to doe the deed: but were it not so, yet is it verie eident that you are the author of this mischief: and the cause of the death of two men, therefore it is but right that you should make the third, for he which maketh such a bargain once, hath either done it before, or will doe the like another time, so that it is best to prevent the worst by cutting you off betimes. You say that he ought not to haue killed him, seeing that you forbad him, but you should not haue induced him to kill him, least afterward you might not be able to reuoke his wil at your commandment, for all the while that he sought for the means and oportunitie to doe the murder, an hatred against the same man did enter by little and little into his heart, which you did afterwards think by your forbidding, might be wholie rooted out at one instant: but the same is not easilie to be done, for men are naturallie more enclined to mischief, then goodnesse, so that they doe alwaies more hardlie forgoe it, and especiallie

ciallie such as of long time hauing followed the wars, are vsed to kill men, so that they doe as it were thirst after humane blood: wherefore you ought to haue beleued that after you had perswaded him to act the murder, it was not easie for you to dissuade him from it, & so consequentlie you should not haue perswaded him, much lesse haue giuen, or promised him monie for the same intent: but you should haue remembered that the pleasure of reuenge lasteth but a litle while, and the ioie that commeth of mercie endureth for euer: Moreouer that for the most part in seeking to reuenge vs vpon another, we doe find our owne destruction, wherefore it is better, and the surest waie to leaue the reuenge vnto God, who is iust, and knoweth the hearts of all men. But if desire of reuenge, or to haue right of your enemy, had so greatlie vrged you, you ought to haue had your recourse vnto the iustice, and so to haue had him chastised, without anie danger or dishonour vnto you at all: or els if you would haue needes chosen a worse course, you might haue determined to haue taken reuenge your selfe, without making another man a murderer for you: and it may be, that euen then, when you had repented you of the fact, you had beene as litle able to haue withholden your selfe from doing that which you had determined. All these reasons aboue said, doe make your trespassse the greater, and I see not anie of them that may make it seeme lesser, so that it seemeth verie reasonable, that the offender should be punished, to giue an example vnto all those which haue the like wicked desire.

The Answer.

TRulie I confesse that I haue greatlie sinned against God: but as for the world, our thoughts and minds
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Of one that bargained to kill a man, and


are free, provided that they stretch not to the affecting of mischief, so that I am not by iustice reproouable, much lesse punishable: for to sin is incident vnto man, but to persist in sinne is diuelish, the which I haue not done: But knowing that repentance commeth by diuine grace, I would not seeme to neglect it, but shewing that it had taken effect in me, I forbad the murtherer not to hurt mine enemy; if he for anie particular quarrell hath slaine him against my will, what could I doe therewith? You say that I ought not to haue perswaded nor bargained with him to doe it, it is true, but the Euangelist saith, are there not foure and twentie hours in the day, Wherein a man may fall by the temptation of the diuell, and rise againe by the grace of God? euen so did I fall and rise againe, as the like may chance vnto euerie man, seeing we are all conceiued in sinne; and by that means (as your selfe affirmeth) more naturallie inclined to doe hurt then good: so that it is not a small vertue, to repent before a man commit a mischief. *Dauid* of whom God said, that he was a man after his own heart, and that he should wholie obey his will, what wickednesse I pray you did he commit? And neuertheless by repentance be obtained pardon and grace: we must not say that all those who haue ben somewhat badlie minded, are wicked men; or that which is worse, notorious offenders, as you say; for if it were so, the most part of men should be such, and it may be, you your selfe that accuse me so sharplie, should not be free from crime. As touching your assertion, that I am guiltie of the death of twaine, and that I ought to be the third, I ytterlie denie that, for as much as the first mans death is rather happened through his own misbehaviour then my malice, for if he had not done me wrong and outrage,

rage, I should neuer haue imagined to procure his death, and hauing not thought it, I had not spoken vnto the other, who knowing him not, would not (after my forbidding him) haue taken a new occasion to kill him: but who knoweth whether he hath slaine him at the instance of some other, and will not confesse it? Knowing that if he did, yet he should not escape vnpunished. Finallie he trulie confesseth, that I forbad him to proceed anie further therein, and that afterwards I neuer spake to him thereof: how can I then be guiltie? Seing that I cannot be so, although I were the cause of the mischief as you say: for as much as mine intention was not so, wherefore we must iudge, not according to the chance or successe of actions, but according to the meaning of him that doth them: otherwise for the most part, when the sicke doe die, the Physicians should be blamed: or he who hauing an intent to kill a man, and should lanch his impostume ought to be praised, the which cannot be, for when the intent is wicked, the fault is no lesse so long as it lasteth; but the wicked intent ceasing, the crime doth end together with it. Wherefore, if I did amisse, in perswading this man to kill mine enemy, I did well in forbidding him to proceed no further in the same. Touching this point, that whereas neither the witnesses, nor I haue aduertised the other; There are manie men so bad to be dealt withall, that one cannot aduertise them of anie thing, without daunger of great reproch; so also was it not reasonable to accuse one vnto the iustice which had not as yet offended, also they were no more then witnesses, that I did forbid him to hurt mine enemy, but yet they knew not what had passed before betweene vs. Moreouer the remembrance of the short pleasure of reuenge, and the euerlasting con-

continuance of the ioy of mercie, had made me repent that euer I had a desire of reuenge, wherefore I did remit all vnto God, without seeking redresse either by iustice, or anie other way. If then this misfortune be fallen vpon him for his sinnes, or otherwise, I am not to bee blamed, and there is no reason which may make me an offender, seeing that al the foresaid reasons, mine innocencie, and good meaning is prooued, according vnto the which I require to be iudged by the equall doome of our iust iudges, who doe verie well know, that *Socrates* himselfe confessed that he was inclined to wickednesse, as well as to Philosophie, but that by vertue and the good spirit, he resisted the wicked desire, as I haue done thorow the grace of God.

Declamation. 16.

Of a woman that would forsake her husband, because he stood excommunicate.

 Certaine man was excommunicated and accursed for disobedience to the church: wherupon his wife would needs be diuorced from him, but he would not restore her mariage good, but alleaged these reasons:

HAue you not promised me before the Priest and the assemblie of our kindred and friends, to bee my spouse, and lawfull wife? And neuer to forsake me for anie chance whatsoever? Haue you not alwaies bene partaker of my prosperitie? Wherefore wil you then abandon me in my first aduersitie? As for me I will not let for anie thing that may happen, to esteeme you

you for a verie honest wife, but I know not what others will thinke of your deed : for as much as the custome of honest women is, neuer to forsake their husband in anie matter, nor for anie thing, but they doe still abide constant with them in loue and vnitie, and they do obserue the faith which they haue promised, when they were not onlie made companions, but euen the one halfe of their husbands : seeing that men cannot, and much lesse ought not to seperat those whom God hath coupled together by marriage, which is the most ancientest, most holiest, and most approued by God of all other whatsoeuer : for God himselfe did institute the same, not in the world, but in terrestriall Paradice, euen when man was yet in his innocencie, and afterward he honoured this holie estate with the first of his miracles that he wrought, at the mariage in Cana of Galiley, where he turned the water into wine : Moreouer you must consider, that God tooke from man the substance whereof woman was made, to the end that she might thereby be bound not to forsake him ; wherefore Saint *Paul* saith, that woman was created for man, and not that man was made for woman : in like sort the words of our God himselfe doth witnesse the same, when he saith, It is not good that man should be alone, let vs make him therefore an helpe ; what libertie then hath the woman to forsake her husband ? Although it was by the woman her prouocation that man sinned, and was iustlie cursed by the mouth and power of God, yet would he not for all that seperate them, but gaue them hope of saluation, if they remained together : For he saith, that like as by a woman sin came into the world, so also of a woman, should he be borne which should overcome sinne and death. Saint *Paul* also biddeth the
belceuing

beleeuing wife to abide with the vnbeleeuing husband; saying: Woman what dost thou know whether thou shalt saue thy husband or not? Wherefore then will you forsake me? Whether it be by right or wrong that I am sequestred from the church, yet am I not vtterly excluded from the same: time may make it known whether I deserue to be excommunicated or not, and although I may haue deserued it, yet contrition, and Gods fauour cannot be denied vnto me: now is the time that you ought not to forsake me, (not so much as with your eie onlie if it were possible) were you but such a wife as you should be: Trulie a wife can giue no greater token of her chastitie, then by shewing a perfect friendship, and an inseperable loue vnto her husband: for they are shamelesse and immodest women, that doe change their loue, according to the fortune of him whom they saie to loue: how manie haue there been found euen amongst modest women, that haue with a maruailous constancie continuallie loued and followed their friends, as *Thisbe*, who followed her *Pyramus*, and would liue no longer after his death, *Briseis* followed *Achilles*; *Ariadne*, *Theseus*; *Medea*, *Iason*; and the concubine of *Alcibiades*, he being slaine betweene her arms when she could not better prouide for him, she wrapped him in one of her best garments to burie him: will you then bee much lesse constant, then vnchast? will you imitate and be accounted like vnto *Clitemnestra*, *Thebe*, *Helena*, and other bad women? Doe you not know that such as are good, are alwaies honourable euen after their death? As *Alcest*, who willinglie desired to die to saue her husband *Admetus* his life; the famous *Iphias* seeing her husbands bodie burned, would in no sort forsake him, but leaped into the same fire, and was bur-

burned with him. *Hipsicrates* because she would not forsake old *Mithridates* her husband, did cut off her faire haire, and being armed, did alwaies serue him as his companion in the wars. *Cornelia* also neuer abandoned hir *Pompey*, but followed him into *Ægypt* where he was slaine. *Octauia* the sister of *Augustus* would haue followed her *Marc Anthonie* in all places, if he would haue suffered her: & although he loued *Cleopatra*, yet so long as she liued, she maintained him in peace with her brother. *Triaria* the wife of *Lucius Vitellius*, did also accompanie her husband in the warres, she being armed as he was. What shal we say of *Herfilia*, *Hipermestra*, *Laodemia*, *Oenone*, *Clita*, *Arganthona*, *Democrita*, *Gumilda*, *Caia*, *Valeria*, *Terentiana*, *Iulia*, *Arthemesia*, *Panthea*, *Sofia*, *Tarsa*, *Paulina* the wife of *Seneca*, *Portia*, *Turia*, *Sulpitia*, *Aegeria*, *Alcione*, *Procris*, *Camma*, *Sara*, *Michol*, & an infinit number of others, which are all famous for the great loue which they did beare vnto their husbands: wherefore doe you not couet to be of the number of these? Seeing that my disgrace offereth you the meanes to make prooffe of your loue and faith towards me, lose not this occasion, bad for me, but good for you, your glory may be a comfort to mine affliction. I do not withhold your marriage good through couetousnesse, but to keepe you from doing that thing which may redound vnto your dishonour, and I would not in anie sort that it should be said that I was consenting vnto it, and I protest before God and men, that I doe it for no other cause at all: for I am not ignorant how much all women are importuned, especially such as are knowne not to abide with their husbands for any great loue; but as I haue said, I will neuer consent that it shall be reported that I haue ben the cause of your follie. Wherefore I re-

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mit all vnto the iudges, without anie further speaking of the matter, being to stand to their censure whether I am to restore your marriage good or not: the which shall be a smal losse vnto me, if I may be so good cheape rid from her who loueth me not at all.

The Answer.

I Should think my selfe happie in hazarding but only my goods, and life to remaine with you: but when the question concerneth the soule, we ought to consider, that we haue nothing more precious, seeing that the same is none of ours: but God hath made it immortall to gouerne this bodie, the which ought to be wholly obedient vnto the soule, that we might afterwards by the onely helpe and grace of God, restore the same vnto him vnspotted, if it were possible, the which I cannot doe if I remaine with you: for all those that doe but onely speake vnto such as you, are guiltie, except they doe only speake to conuert you, the which hitherto I could in no sort doe: but how should I doe it? When neither the exhortations of the church, nor yet your excommunication both together, were able to turne you? That which Saint *Paule* saith, that the beleeuing woman ought to remaine with the vnbeleeuing man, is nothing pertinent to this matter. for more faultie is the Christian which sinneth maliciously of set purpose, then is he which sinneth of ignorance, being yet vncalled of God. I doe well remember what I haue promised you at our marriage, and I will performe it, so that it be not to the condemning of my soule and that it is so, I haue alwaies shown; that dutie which an honest wife oweth vnto her husband, and am yet

yet readie to continue the same if you doe returne againe vnto the bosome of the church, and then you shall truly know that I will not forsake you for any occasion: I am not also ignorant what the worthinesse of mariage is, and I would not haue you thinke that men doe seperate me from you, but God himselfe, for as much as he is head of the church: I doe confesse that the woman was made for man, but for al that it followeth not that she ought to damne her selfe for him. As touching the hope which you doe shew you haue to returne vnto the church, it were better that it were too soone then too late, for then should I haue no occasion to depart from you, and I doe promise to turne vnto you when you shall be absolued. There is no loue wanting in me, but there lacketh goodnesse in you, because you remaine obstinat. I cannot be rearmed in the number of those that haue left their husbands without cause, but my greatest griefe is because I haue too iust a cause, and I belecue that *Alcest*, *Iphias*, and the other ladies which were truly vertuous, would haue done as I doe in the like case as mine, had they liued in these our daies: for euen as it was an honor and vertue in them, to doe that which they did for their husbands, so likewise should it be but a shame and a sinne in me not to forsake you. The same which you say prouoketh you, not to restore me my marriage good, induceth me not to leaue you, so that I may abide with you without offence and discredite, as I would not also that any one should think that I were consenting or partaker of your obstinacie, no more then you would be thought to bee consenting vnto my seperating, and vnder this false colour, you would keepe backe my marriage good. I doe aduertise you that I will rather forgoe it if it be not ad-

Of one who thinking to strike his enemy,
 iudged vnto me, then I will remaine with you in such
 an estate; and you must not say, that you detaine that
 which is mine, to keepe me from committing follie: for
 were I such a one as you doe esteeme me to be, this
 would be the readie waie to make me fall: for necessitie
 maketh a woman more fraile, & lesse worthie of blame:
 but God forbid that I do you that discredit which you
 deserue, especiallie for the part which I might haue
 therein, which would be the losse of my soule, but for
 the losse of my goods, I referre that vnto the equitie of
 the iudges.

Declamation. 17.

*Of him who thinking to strike his enemy, killed ano-
 ther man passing by.*



Certain man is pursued by some men that would
 haue offered him outrage, hee staied against a
 wall and defended himselfe by throwing of
 stones, which he did cast so long, that after ma-
 ny throwes, he slue with the blow of a stone a
 man which by chance passed by the way, and knew nothing of
 their quarrell, whereupon all the rest fled away, and he which
 threw the stone is accused by his wife that was slaine, who said:



Did assuredlie hope that my husband hauing
 euer liued peaceable without offending anie
 man, should haue yeelded vp his soule vnto
 God, after he had receiued the holie sacraments
 and the rights of the church, like a good Christian as
 he was, as also being accompanied with his freinds and
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neereſt kinſfolke he ſhould haue declared his laſt Will by his Teſtament, and if my miſfortune had beene ſo great to ſuruiue him, I hoped to haue receiued his laſt gaspe in my boſome, and to haue cloſed vp his eies for euer, giuing him his lateſt kiſſe: or otherwiſe, had he ſuruiued me, I looked for the like comfort by him at my death: which in the end are the laſt and moſt precious pleaſures, and louing fruits of the holic band of marriage, of the which both he and I are deceiued by this man that hath vnhappilie ſlaine him. Alaffe, what hath it profited him (I ſay my poore husband) to haue taken ſuch paines to intertaine euerie man into his loue and friendſhip; Seeing that hee is ſooner dead then thoſe that haue procured them manie enemies? What commoditie hath it brought him, to haue ben euer vertuous; Seeing that a wicked man hath ſlain him, being neuer wronged by him? I will not herẽ ſuppoſe the manie reaſons that one might coniecture, that is to ſay, that this quarrell might be of ſet. purpoſe to hurt my husband, neither yet will I ſay that he might haue receiued monie to throw that ſtone: I paſſe ouer with ſilence, how manie ſuch wickedneſſes are committed, but I do onlie ſay, that my husband is dead, and that he which ſlue him liueth, alleaging for his onlie excuſe, that he thought not to kill him, but that he threw at others: he ſhould not haue throwne at anie man, and by that meanes neither he nor I ſhould haue beene in trouble. It may be verie well ſaid that he liueth badlie that getteth him ſo manie enemies, and he dooth worſe, which in deſiring to hurt them, or defend himſelfe, killeth him that neuer harmed any man. As for me, I require iuſtice, he hath ſlaine my husband, I deſire that he may die, to ſerue for an example vnto the like inſolent men, that do

Of one who thinking to strike his enemy,

alwaies procure them enemies, and do make quarels in publicke places, to the greater daunger of honest people then their owne. But I would to God that I had ben dead before now, at the least with my husband, seeing that life is more bitter vnto mee then death: and my greatest grife is, because I am not onlie harmed by this Homicide, but as manie of the noble kindred which he and I haue, are greatlie interrested in it, manie of the friends whom he fauoured are damnified: the poore hath lost much thereby, for he was a good almes giuer; Lastlie, the Commonwealth is weakened, losing such a Citizen who liued so well, that he had manie friends, and not one onlie enemy, that did pleasure manie, and neuer displeased anie. Consider then you righteous iudges, what punishment is to be done vpon him, who depriuing vs of so manie benefits, hath been the cause of so great mischief.

The Answer.

IF mens actions ought to be iudged, not according to the event of the same, but according to the intent of him that dooth it, I cannot in anie sort bee blamed, for I did neuer know this man whether he were honest, or dishonest; wherefore seeing I neither loued him, much lesse hated him, I had no desire to doe him either good or hurt. But since by misfortune it is so fallen out, that being constrained to defend my selfe from those who sought to kill me, he hath had a blow both against my will, & vnwitting, mine enemies are more to be blamed then I, for they are the cause thereof: Wherefore ought I then to beare the punishment thereof? The sorrow that I haue had because this fault is happened by my hand, is sufficient inough, although it was done against my meaning, without that I should be further trou-

troubled for the same : and were it not that my wife, and my children, (whose liuings I doe get) could not liue without me, I had rather die then liue, hauing ben so disgraced by you, to haue depriued you of your future hopes and your present happinesse ; but if it be a crueltie to cause the innocent wife and children of a guiltie man to suffer , what is it then to take away the life from the wife and innocent children of such a man that is no waies faultie ? For it is sufficientlie manifest, that this woman which accuseth me of crime, not knowing me no more then I doe her, is carried away with her passion : seeing that also she doth altogether condemn my fact without hauing anie respect vnto the innocencie of mine intent : I will not say for my defence, that her husband hath rather ben the cause of his death then I, seeing that he would needs passe by such a place where manie men were fighting ; for not onlie they which are wise and well aduised do shun the like meetings, but also fooles, children, and the verie brute beasts doe flie from them : as touching the criminall coniectures, that it was a thing done of set purpose ; the sharpe pursute of mine enemies, doe sufficientlie excuse me, and if there be anie other prooffe, more sufficient then hers of such a fact, trulie I will condemne my selfe as worthie of death, but being otherwise, I cannot be so : where she saith, that I ought not to throw stones at anie man, I answere that he which would iudge of that, it were fit that he did prooue the like daunger as mine was : to affirme also that to haue manie enemies is a signe of a wicked man, is a verie absurd iudgement, for it is often seene that the good are hated as well as the bad, and that which is worst, It is of the wicked, that the good are hated ; so that they are in far greater danger,

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Of Sergius, who fought without

ger, and verie often constrained to defend themselves: euen so it fell out with me. But who was, or euer shall be milder then *Socrates*? And who had more wicked enemies then he? who neuer ceased to slander him, euen to the procuring of his death as an offender. What shall we say of *Phocion*, and of *Aristides*, likewise of *Solon* and *Licurgus*, and of the great *Scipio Africanus*? I passe over with silence, our Saviour Christ and other Saints, least I should prophane their holie names, in placing them amongst other men. I am not he alone then that hath enemies, neither ought this mishap impair my reputation, or make my cause the worse in anie sort. Finallie, there is no fault so little that cannot be greatlie aggrauated, if anie man will seeke for circumstances as this woman doth, who would prooue the Commonwealth and so manie persons interess'd, that it seemeth by her speech that her husband was immortall: but I demand if he should haue died of an appoplexie, or some other sudden death, whether should not the losse haue ben all one? But it is the manner of women to make the wrongs which they receiue, seem great, esteeming those which they commit, verie little: wherefore it were superfluous to answer her tedious accusations, which is the cause, that referring my selfe as well vnto the mercie as to the equitie of the iudges, I will attend their iust sentence.

Declamation. 18.

Of Sergius, who fought against his enemies, without aduertising his fellow Virginus thereof, and therefore is not aided by him.

Sergius



Sergius and Virginius, both equall in authoritie, were captaines in the Romane army, before the cittie of the Veies. Sergius was encamped on that side where the Tuscanes might come to relieue the besieged cittie, and Virginius on the other. Now it happened that Sergius was assailed of the Tuscanes, and fought with them, without requiring aid of Virginius, so that part of the campe was thereby discomfited: he being returned to Rome, accused Virginius for not aiding him, and said thus:

What profiteth wisdom, courage, and dexterity in a commander, when enuie alone is farre more able to hinder him, then all these vertues together are able to further the aduancement of his seruice, that desireth to profit the Commonwealth? Euen so is it happened vnto me, for although Virginius and I did both together imploy all our best means to besiege and take the citie of Veies for the honor and profit of the Senat and people of Rome, yet were we neuer able to doe anie seruice of worth, but on the contrarie we receiued dishonor and hurt by the onlie enuie and ambition of Virginius. Neuerthelesse what haue not I done to allure him vnto kindnesse? and to persuaade him to be carefull of the safetie and honor of the Commonwealth? I haue alwaies given him the chiefeft honour, and held him not as my companion; but as the only Generall commander of the enterprise; yea and leauing vnto him the place of most aduantage, I did encampe my selfe both where the greatest danger, and most concourse of the enemies was; thinking by that meanes not only to induce him, but also to bind him more straightlie, (not vnto my aid) but vnto the com-

common good of the whole armie, and his owne honor, yet what haue I gained with all this dutie, and true humilitie? nothing at al, but only thereby increased his malice, pride, and ambition. I therefore considering with my selfe how hardlie two Generals in one armie doe performe anie enterprife fortunatlie, and how on the contrarie, by the diuersitie of their opinions & wits they doe oftentimes not onlie procure one anothers mitchiefe, but also sometimes, put the Commonwealth in great danger (as *Terentia Varo* did at Cannas, when he gaue battaile against the opinion of his Colleague) did rather desire yet further to abase my authoritie in respect of his, honouring him as my superiour, in all lawfull things; but all was vaine, for as much as those actions which doe serue to gaine the loue of such as are modest, doe increase the pride and insolencie of those that are proud, for they doe attribute that vnto cowardlines, which is done by modestie and wisdom: which men *Virginus* desired to follow, for he (seeing that I to gaine his fauour, did oppose my selfe vnto the greatest daunger for his securitie and defence) did presume that I did not this noble act to induce him vnto the like aiding of me, but that I did owe him this honour; wherevpon he did not only forget that I was his companion, but also he would not performe the dutie of a good Generall: for how can he be a good Generall that seeth anie of the inferiour captaines in daunger to be ouerthrowne, and will not send him aid? *Paulus Emilius* ceased not to fight, but did willingly die in the battaile, although that *Varo* began the same against his aduice, the which I haue not done: for it is well known that I would not fight against your will, seeing that I encamped in that place to no other end, but onlie to make

make head against the *Tuscanes*, if they came to molest the campe, to raise the siege, or to hinder our enterprise: yet neuerthelesse you had rather suffer the Commonwealth to be hindered, then to affoord me your aid in so great an extremitie, especially seeing that by that meanes we might happily haue ended our enterprise: for in succouring me, the *Tuscanes* had ben discomfited, and no doubt the besieged could not haue chosen, but of necessitie must haue yeelded: but you rather desired my losse and dishonour, then to haue your owne profit and honour ioined together with mine, which had been but a small matter, if all the *Romanes* had not ben therewithall greatly hindered. The gods forbid that I should say, that you had intelligence with the enemies, but I am very lorrie that you giue occasion vnto many to suspect the same, others to presume as much, and some constantly to beleue it: for you being verie well knowne to bee both valiant and noble, it may be supposed, that without some particular respect you would not haue suffered, not only the Commonwealth and your Colleague to be endangered, but also you could hardlie haue indured the sight of the enemy, without an extreame desire to fight with him. True *Marcellus* made manie Sallies and Skirmishes against the mind of that great *Fabius*, but for all that, he never left to aid him when need was; so that by the wisdom of *Fabius*, together with his zeale vnto the Commonwealth, they were named, he the buckler, and *Marcellus* the sword of the *Romans*; whereby it is apparently seene how happie and fruitfull the vnitie and agreement with Colleagues is, wherevnto I haue with all my power alwaies exhorted you, yet was I neuer able to obtaine this good at your hands, either for my selfe, or
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for the benefit and honour of the Common-wealth; for in vaine are good offices made, when there is not a correspondencie in those that execute them. If two Generals of equall authoritie be made ouer an Armie, with intent that if one happen to be sicke, the other should performe the dutie of both; if one be abroad, the other should remaine in the campe; If one forget anie thing, the other should remember it; If one foresee not the danger or aduantage of a seruice, the other should aduise him; If one doe commit a fault, the other should bethinke him how to remedie it, yea were it with the price of his life: It is in you graue Senators, to consider, what he ought to be esteemed who dooth cleane contrarie to his dutie, hauing the heart not onlie to behold his enemies without fighting with them, being more then needfull, but further to see the blood of his brethren & fellow Citizens to be shed, & not once make a shew at the least to haue a desire to helpe him: I say a shew, because that only sight had both sufficed to haue encouraged our people, and had beene inough to haue driuen our enemies to flight.

The Answer.

IT is no new thing to see, that they which are in fault, will by their accusation preuent those that might accuse them: euen so doth *Sergius*, who seeing the iust occasion that I haue to accuse him, to be the only cause of the losse of our people, and the meanes whereby we obtained not the victorie both of the besieged cittie, and also of the Tuscanes, would by his preuention lay the fault on me; which would be a good inuention for him if he had not to deale with such iudges as are no lesse

lesse wise then iust : for in his first assertion, the boasting of his wisdom, dexteritie, and courage, doth very well shew his ambition, and how farre he is from that modestie which he ought to haue vsed towards mee, the which also I haue neuer desired, for I am not ignorant that he which hath a companion, hath a maister : wherefore I suffered him to chuse according to his desire the honorablest place, for he cannot denie that danger and honor doe follow one another, when wisdom and modestie doe second them; the which wanting in *Sergius*, the place that was both dangerous and honourable, hath ben the cause of his shame, and the Commonwealths harm. Truly that place was not chosen of him, to no other end but arrogantly to vsurpe vnto himselfe the honor of the whole enterprise : the which is evidently to be knowne, because that euen when he was in most danger, he neuer once vouchsafed to send vnto me for aid. It is not he alone whose ouergreat weening of himselfe hath wrought his shame and losse : for the like happened vnto *Terentius Varo*, of whom himselfe hath spoken ; likewise the Commonwealth of Sparta receiued her last ouerthrow, in trusting too much in the valour of her owne Citizens, and dispising the aid of her neighbours. This my aduersarie accuseth me to be enuious, I would willinglie know, wherevpon I should beare him anie malice, seeing that (without saying his superior) I was neuer his inferiour in anie thing whatsoever. Touching ambition, he sufficiently declareth that it remaineth in him, when he saith, that he is not ignorant, how hardly two Generals doe anie good together, and he hath further manifested the same, when he had rather lose alone, then to indure a companion in his victorie : wherein he hath also openly shewed his

Of Sergius, who fought without

his pride, which he would attribute vnto me : but it is the common custome of the wicked to slander others with those vices which they know to be in themselues, and they imagine that of necessitie others are more addicted vnto them : Whereupon they doe falsely affirm, that they haue borne that respect vnto others, which they themselues doe maliciously look for. As touching that which *Paulus Emilius* did, he performed his dutie in fighting with *Varo*, being thereunto required, as I would haue done the like with you, if you had willed me, or at the least if I had knowne that the enemies were come : the which you might haue aduertised me of by one onely man or twain, without weakening your campe ; but I not knowing thereof, how could I helpe you ? But onely suspitious of your meaning ; I will not say that I was in doubt that you had some intelligence with the enemies, seeing that I cannot thinke so vild a part or so great a Treason could euer enter in the heart of a Roman : but I may well say that I had great reason to suspect, least those of the cittie percciuing me goe vnto your aid, might haue sallied foorth, and charging vs behind, haue discomfited our whole armie, seeing that I knew your ouerthrow euen as soone as I knew that the enemies were come ; and there was neuer any man of sound iudgement that would lose the whole, when he might saue the halfe, the which was so well considered of our Senat, that after the ouerthrow of Cannas, *Varo* was more praised for returning home, though flying, then was *Paulus Emilius* for dying in the place : moreouer it is a doubt whether he did well to fight against his mind with *Varo*, seeing that it had ben better for him & for the Commonwealth to haue ben lesse forward, or at the least more slow, for by that means al had not ben lost,

lost, and it seemeth indeed that he condemned himself to haue erred greatly, when he would rather die, then accept the horse which *Lentulus* did offer vnto him to saue himselfe: for it is a great rashnesse, to bring men vnto the battaile without some great likelihood of victory, the which I could not hope for, not knowing that you should fight so long vntill you were quite ouerthrowne, and then was it too late to send you my forces, alreadie amazed with a noueltie being as suddain as it was vnfortunat and vnlooked for: for who would euer thinke that you would haue ben so prowde, or rash as to begin the battaile without aduertising vs? Vs I say that should at the least haue ben companions of your danger, I will not say of your glorie, seeing the greatnesse of your courage could not indure it. Furthermore as I am not ignorant why two Generals in an armie are chosen, so do I in like sort know very well (to our great disaduantage) that you had a desire to vsurpe vnto your selfe alone the whole authoritie: finally there is too much said in a matter so euident, wherfore I submit my selfe vnto the iudgement of the Senat, whether I was bound, or whether I should haue done well to hazard the rest of the armie, to remedie a mischiefe, whereof I had no intelligence vntill it was quite remedieless.

Declamation. 19.

Of one that being condemned, appealed to a higher place, and refuseth his first iudge, being president thereof.

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Of one that appealed to a higher place,



Certaine inferiour iudge of a Prouince, condemned a man to death, who appealed from him to the court of Parliament: neuerthelesse, he deferred his comming thether so long as he could, sometimes by faining to bee sicke, and by such other meanes; which succeeded so badly for him, that the said iudge came to be President at the Parliament wherevnto the said offender had appealed: Whereupon being brought thether, he refused to be iudged by that new President, saying:

YOU would then that I should appeale from *Pilate* to *Pilate*, I will keepe me from that, if iustice haue anie place; for it cannot be tearmed an appeale, to haue the same iudge from whom one appealeth: Who knoweth not that he is the same man, who to encrease his dignitie, will nothing at all surceasse his iniustice, but rather with his dignitie and authoritie will also increase an ill opinion towards me, because I haue appealed from his iniustice: for if he did me wrong when I might appeale from him, what will he now doe, if he may absolutely iudge me without contradiction? As for me, I doe firmly belecue, that with mine enemies coyne he hath bought this authoritie, to the end that I might haue no other meanes to escape his vniust sentence: I will not say that such places of authoritie ought not to be sold, but I dare trulie auouch that there ought great heed to be taken vpon whom they are bestowed, and so much the rather, because being to continue in the same during their life, they are the lesse subiect to correction, and paying money therefore, more subiect to corruption. O happie is the countie where the King maketh his abode, as at Paris and the places thereabout, for there those which deserue authoritie obtaine

obtaine them : for by the prooffe of their capacitie, fidelitie, and good seruices done vnto the Kings Maiestie, and to the Commonwealth, they are prouided of such estates as they deserue, or rather those places of authoritie are prouided for such men as know how to exercise them as they ought : but here where we are farre from that princely light, all is subiect to corruption, and they doe not beare office which doe best deserue it, but they which haue the most friends, and the greatest purse : so this my partiall iudge hath in one day obtained without any desert at all the dignitie of a President by his monie. To auoid this corruption, in Italie, Spain, Almaine, Flanders and other Prouinces, the iudges are only but for a yeare : but after that the tearme is ended, they are subiect to the like officers, or vnto the Censure of other iudges : such also was the custome of the Romans, that so long time did flourish, and yet should haue flourished, if *Marius* and *Silla*, and afterwards *Cesar* and *Pompey*, had not (with other good customes) caused this likewise to bee neglected : for the Romane Empire, which so many yeares before was famous, did wholly decline, when offices were more easily obtained by the wealthie then the vertuous ; but so long as the rich men did suffer themselues to be gouerned and iudged by the poore *Fabricias*, and such others, no kingdom was more happie and prosperous then the Romans Commonwealth. The Venetians haue flourished almost a thousand and two hundred yeares, by the like meanes, in making more estimation of such Senators as were vertuous, then of those that were rich, who if they haue not vertue ioined with their riches, do there neuer obtaine anie dignitie : which is the cause that amongst them iustice is rightly administred, and that the

Of one that appealed to a higher place,

condemned doe neuer hope for anie redemption , or fauour by appeales : but because we are farre from the presence of the King, from his Counsell, and from the most worthie chiefe Court, we in this our Prouince doe see the iudges so corrupt, or sometimes so ignorant, that of an hundred appealants two doe not returne rightly iudged. It were reason therfore that this our iudge were allowed some certaine time , to learne of the Lords which haue of long time ben of this Parlement, before he haue this authority to adiudge those appealants which haue appealed from himselte : truly I should the be content to say that I haue appealed from him being vniust, vnto himselte being become iust ; but what assurance haue I now thereof ? Seeing that in authoritie (which is indeed the touchstone to trie men withal) the most part of them doe wax worse , and euen as the waight of gold diminisheth, being oftentimes rubbed vpon the touchstone, so doth the consciences of such as are but slenderly indued with vertue decay, by often changing of their dignities : for if men did know, or at the least would not dissemble, how hard a thing it is, to vse the office of a iudge ; there would be so few that would couet to buy that place , as hardly should there bee any found that would bee desirous to take such authoritie vpon them : Neuerthelesse, this being not my iudge, but mine aduersarie, not content to haue adiudged me once, would condemne me againe. King *Lewis* the twelfth, when one counsailed him to be reuenged on those, which in times past had offended him, answered that it was not the part of the king of France, to reuenge the wrongs which were done vnto the Duke of Orleans ; which surely were both the words of a noble and mild prince : but I find not any of these two parts

parts in this new president: but rather on the contrary, it seemeth that he hath made himselfe president, to cause those to die whom he hath wronged, being but an inferiour iudge, of whom I am one, and he which is vnto him most odious. The old prouerb saith, That the ignorance of the iudge is oftentimes the cause of the calamitie of them that are accused: O happy world wherein this Prouerbe was inuented! if then the iudges did only offend through ignorance, although the same be a fault great inough, what shall we alasse say then in these daies? Wherein malice exceedeth ignorance, and that for the most part they harbor both together? Or that which is worst of al (if it may be lawfull to speak the truth) that as the number of the skilfull encrease, so the number of the good decrease, and when that happeneth, there can no good bee hoped for in the Common-wealth: for there is nothing more dangerous in the world, then to haue such a man in authoritie, that is wise and wicked both together: because that for euery purpose, they haue examples very readie to prooue, and persuaade their wicked intentions to be lawfull, like vnto this man, who by his monie is made president: Wherefore I doe rather submit my selfe vnto anie other iudge, then vnto him whom I doe vtterly refuse.

The Answer.

IT is a common thing that such as are offenders doe hate and slander their iudges, and the more iust they are, the sooner doe they falsly accuse them of iniustice: wherein they themselues doe make their crime more apparent: for they would haue the iudges such as they are, that they might pittie those that are like vn-

Of one that appealed to a higher place,

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IT is a common thing that such as are offenders doe hate and slander their iudges, and the more iust they are, the sooner doe they falsly accuse them of iniustice: wherein they themselues doe make their crime more apparent: for they would haue the iudges such as they are, that they might pittie those that are like vn-

Of one that appealed to a higher place,

to themselves : or at the least that they might be such as would be corrupted, the which they cannot hope for in those that are iust, wherefore they are driven into despaire, knowing that no punishment can hurt the desperate man, as also that there shall not so much be inflicted vpon them, as they doe deserue, and so they vomit out their poison against the righteous iudge: the which they doe the more boldlie, because they know wel that for all their speech he wil be neuer a whit the more cruel vnto them, but without any stearnnesse or malice wil iudge them according to the laws, executing them rather with mercie, then rigor; neither shall the wicked be able to mooue his patience, for he which perceiueth himselfe to be blamed truly is angrie, and thinketh to be reuenged: but on the contrarie, he that knoweth his conscience cleare, maketh no account of slanderous speeches: or if he chance at the first brunt to be angrie, he doth presently bridle the same his anger by reason, rather desiring to remaine such as he is, then by rage or passion to become such a one as in truth he ought not to be. I am the same man which he affirmeth me to be, so also is he nothing amended since I condemned him. I did neuer beare him anie ill will, neither did he euer giue me occasion so to doe: but truly I haue condemned him, but with lesse rigor then his deserts required, or the lawes commanded: but why should not I bee odious vnto him whom I haue condemned to die? Seeing that the Phisitions and Chirurgions, who doe employ themselves to saue mens liues, are oftentimes heartily lothed of them, when either they touch their sores, or will not suffer them to follow their noisome appetites, but do rather appoint them to take good and and wholsome things: the child and the seruant, yea and

and the wife, doe for the most part hate the father, the master, and the husband which chastise & rebuke them; how much more then doth the offender hate the iudge which condemneth him? Seeing he wrongfully deemeth him to be the cause of the shame and punishment which he receiueth, although himselfe be the occasion both of the one and the other euill. Whereas he saith, that I haue bought my office to hurt him: there be some other proofes then his tongue to verifie the contrarie; It is likewise apparently seene, how he slandereth the most part of iudges. It is a goodly matter indeed for an offender to censure the deeds of iudges, and to discourse of equitie and iustice, as also to dispute whether offices may be sold; and whether officers ought to be yeerely chosen or not; you are brought hether to be iudged, and you will iudge the iudges: all this serueth you to no end, bethinke you if you can, how you may cleare your selfe, and afterwards you may accuse vs before those that haue power to redresse it, and then there will be greater credit giuen to your speech: but now you being condemned as an offender, no man that knoweth what iustice is, will beleene but that you speak of others, as you your selfe would doe, if you had their authoritie: for the maner of those that haue their consciences seared, is such, that they are perswaded that the most part of men are like vnto themselves, wherefore let vs come vnto the point concerning you and me: say only, haue I proceeded against you otherwise then by an ordinarie and vsuall custome; Haue I not giuen ear aswell vnto your excuses, or iustifications, as vnto your accusers? Haue I posted ouer or rashlie hudled vp your proccesse? Are not you your selfe the occasion of your bringing hether so late? If amongst so many I haue

Of the souldiors that would not fight after

ben thought worthie of this estate, should I haue forsaken it for you? Or was it I alone, that did iudge your proesse? The counsellors were not they there, as they are here in like sort? Was it I that either did condemne you, or that must againe condemne you? Are they not your owne deeds? Bethinke you then to alleage other reasons to more purpose for your iustification, or to submit you vnto the discretion of the iudges: praieing vnto God to giue you the grace, patientlie to abide the sentence which they shall pronounce vpon you, referring all vnto the will of God, who by that meanes will bestow that vpon you which shall be more profitable for you: for he exalteth those that doe heartily praie vnto him. And lastlie determine (if the worst do happen) sith you could not tell how to liue well, to learn to die well, giuing thanks vnto God for taking you out of this miserable world, before you haue further offended his diuine Maiestie: by that meanes your punishment together with his mercie, shall be a full satisfaction for all your sinnes.

Declamation. 20.

Of the souldiors that would needs giue over the wars after the death of their Generall.



He ancient militarie law is such, that euerie souldior maketh his oath particularly to follow his Ensigne, the Ensigne taketh his oath to obey his captaine, the captaine their Colonels, then all of them generally doe swear the same oath to the Generall of the armie, (representing the person

person of the Prince) to serue him truly and faithfully. Whereupon the Generall, or Lieutenant Generall chanceth to die in a difficult and dangerous enterprise, and by his death the souldi-ors hold an opinion that they are acquitted of their oath, and that they may giue ouer the enterprise. And thus one amongst them pleadeth for all the rest :

THe oath of the souldior lasteth so long as he that receiueth it, or he to whom it is made liueth, as we haue done vnto our General, who being dead, we are no longer bound. We haue sworne to serue the Prince vnder his conduct: following him in all, and by all things, into all places, and against all men, without anie exception at all: the which we haue done euen vntill his death, without anie refusall, or contradiction, wherefore hauing performed our dutie, we are no longer bound: for we cannot follow him any further, except we should die as he hath done, which would be a thing as hurtfull vnto the Prince, to the Commonwealth, and to vs, as it would be profitable vnto our enemies, and ill willers, vnto whom we ought to doe no pleasure nor profit at all. And neuer thinke that we are to be retained in seruice still, saying that the Prince will send another Generall, or that his Lieutenant that is dead, representeth his person by order of prescription, vntill the Prince haue confirmed him for Generall: or that he hath sent another: for such a reason is nothing worth, because there are many that suffered themselues to bee enroulled vnder the deceassed Generall, which would neither march nor be enroulled vnder him whom the Prince may send vs, for such was the trust that wee did repose in his valor and wisdom, that nothing seemed impossible vnto vs, so long as we folowed his cō-
I iiij mand,

Of the souldiors that would not fight after

mand, wherefore (considering that the Prince may wel bestow the dignitie and estate, but that the discretion, wisdom, and valor of the man, commeth from aboue) we are discouraged to serue any longer, without knowing vnder whom: True it is that there is none so good but there may be found another as good: but it is verie certaine also, that an opinion is halfe an effect, and that for the most part, it ordereth matters as it listeth, without anie other respect, and especially when it is ioined with some prooffe, or admirable experience, as was that of our late noble Generall, which hath so manie times ben redoubled, who by his example did not onelie increase the courages of those that were valiant, but also made the verie cowards bold and stout: so that it may verie well be said, that he hath carried our hearts with him, or rather that he hath bestowed part of his greatness vpon vs al. Finally, the souldior that marcheth vnder such a Generall whom he liketh not, differeth nothing from a slaue, who is bound to serue his maister whether he be good or bad, which is the cause that seldom they do anie thing that is good. Wherefore is an oath made? But onely that the performance thereof may follow. Why are not we as free from our oath by his decease, as we were bound by the same while he liued? How manie did march vnder *Scipio*, that would not follow *Lelins*? Although they were both of one, and the same countrie, one as noble as another, and so great friends, as the one might well be said to bee the other: Neuerthelesse, for the most part both of the Roman souldiours, and strangers, had rather haue died with the one, then liued with the other. By what means did *Epaminundas* and *Pelopides* reforme the military discipline of the Thebans? But onely by the good opinion

nion which the men of warre had of them. We do not say, that we would whollie refuse to serue, and beare armes for our Prince; but we would faine know vnder whom we should march: moreouer, we would that it might be lawfull for those that will serue no longer to depart: and that those which would follow the future commander, might be bound by a new oath.

The Answer.

WHat noueltie is this? How dare you only think a treason so great? Not onelie against your Prince and countrie: but against your selues, and the profession of armes? Saieng that you are acquitted of your oath, by the death of your Generall: Who is then your Generall? Is not the prince? Is he dead? Or doth he euer die, but strait another succedeth him? It is not you that were sworne vnto the Generall that dead is, but I, that was his Lieutenant, who alwaies in his absence represented his person: If I had then this authoritie whilest he liued, what a ieast were it that I should lose it after his death? For when he was absent, your oath bound you to me. Wherefore hath the Generall a Lieutenant? But onlie because (himself being subiect to wounds, sicknesse, and lastly to death) that he should maintaine and keepe the souldiors in obedience? You cannot denie, but that so long as he liued, it was I to whom you were to yeeld an account of your actions, but not for you to doubt of my authoritie: for prooffe whereof, durst you refuse to follow me in anie place where I would lead you? Or to denie to doe whatsoeuer I would command you? Durst you once haue demanded whether that which I wold haue
you

Of the souldiors that would not fight after

you doe, was the pleasure of the Generall? Would I not haue punished him with death, that should haue disobeyed me? Or had I not the power by martiall law of my selfe to put anie disobedient souldiour to death? The Colonell, hath not he the like authoritie ouer the captaines? And the captaines ouer the others that command vnder them, euen vnto the corporall, who hath the same power ouer the priuat souldiour? What doe you meane then to doubt of the authoritie of your Generall? Consider souldiors how you haue sworne to serue your prince, and follow your Ensigne; which is meant so farre as you may bee allowed by the prince: what will you then say? Seeing your Ensignes are yet displaied, and your captaines willing to serue? Do you not know that you are entred in their muster-role, and that you must march vnder them: They vnder the Campmaisters, the Campmaisters vnder the Colonels, the Colonels vnder the Generall or his Lieutenant, and the Generall vnder the prince if he be there, if he be not, then he representeth his person: where is then your vnderstanding? Who hath bewitched or seduced you, that you wil thus peruert order and military discipline? Is not this fellow a trim Orator, being no lesse ignorant then ill aduised: who thinking that he is the ablest and wilest man amongst the rest, heapeth vpon himselfe alone, all the dishonor and punishment of this fault: he I saie that was worthie to die before hee was borne, rather then he should haue attempted to corrupt so manie worthie and valiant men. The noble Romans did sundrie times commit the like faults, especiallie vnder that great *Scipio* in Spaine, who also caused onelie *Albius Calenus*, *Atrius Vmbrius*, and others the inuenter of the mutenie to be punished as capital offenders: and

and I doe assure you that in their deed, they offended not so much as you, for they had beene vnpaied of a long time, and it was certainlie thought, that *Scipio* their Generall was dead, which was the cause that made the souldiors not onelie to mutenie, but also manie citties and Prouinces to reuolt, before they did mutenie. Wherevpon *Titus Liuius* saith, That when the authors of the deed were punished in the middest of their fellows, there was not heard so much as one onlie grone, seeing them beaten starke naked with hollie wands, euen vntill they were readie to giue vp the ghost, and afterwards their heads to be stricken off being halfe dead. Those men did mutenie because they did see that the Prouinces did rebell, but you, hauing passed the worst of a dangerous enterprise, being vpon the point of a victorie, the which your Generall (whom you so greatlie bemone) hath prepared for you with the price of his life, would now giue it ouer. Is it possible that the reuerence which you owe vnto his memorie, and the shame of your selues should not be able to withhold you? the greatest loue that can be shewed vnto anie man that is deceassed, is to immitate his deeds, and to obserue his precepts: and you will whollie estrange your selues from them, which doth plainlie declare, that being vnworthie of such a Generall, God hath taken him awaie from you: or rather he verie well knowing your vnworthines was not desirous to liue anie longer. I know not what els to say or thinke: what should be become of your ancient valor, and martiall reputation, which was woont to haue more need of a bridle to hold you backe, then spurs to prick you forward. I am ashamed of your shame, if it be true that you haue charged this lost man to make this discourse? But I cannot beleue it:
for

Of the souldiors that would not fight after

for the insolencie is too great, so that it cannot proceed from anie other but from himself, and so consequentlie none ought to beare the shame, and punishment thereof but he : Neuerthelesse, for the good opinion which I haue of you, I doe put his life and death into your hands : hauing so great confidence in your nobilitie, that you will not indure a man so pernicious, to remain anie longer amongst you, but if you shall suffer him, it will be your owne hurt more then ours, besides the shame and reproch which will continue for euer, yea, and that after death : for there is no doubt but that the Historiographers doe as well record the faults of souldiors, as their valiant acts, which afterwards is oftentimes the cause, that their posteritie doe fare the worse for it. Lastlie, I haue told some part of the reasons whie you cannot, much lesse ought not, to demaund that which this wicked man hath proponed, without the consent of anie of you, except it be of some such as are like vnto himselfe, which maie well be termed the scum of the armie, for in such assemblies there are some bad, like as there is no corne without darnell, no wine without lees, nor anie fire without smoake: or els if your vngraciousnesse be such (as I can hardlie beleuee it is) that manie are of that mind, but rather that it is the lesser number, and consequentlie the worser sort of all the armie : I am of opinion, that such kind of people are not fit to be kept; for such a riddance of them, will be profitable vnto the whole armie, because a few well disciplined, are more worth then a great number of those that are confused, disobedient, and without order. Let them come forth then which would be discharged, whilst the captains are here with their muster roles, to the end that at the same time also they maie be commended &

rewarded, which shall remaine constant in performing their duties : and by the same meanes also to determine vpon that which wee are to write vnto the Prince and countrie of those, who so cowardly doe forsake their leaders and companions.

You must note, that when the Generalls doe make these orations, there is none so hardie that dare bee the first, which will say he would bee discharged : for they feare least some of them may bee alreadie corrupted or wonne by the captaines. And by this meanes doe they punish the authors of the mutenie, and vse some liberality towards the souldiors.

Declamation. 21.

Of Gamaliel, who hauing slain two of his brethren, because one of them had rauished his wife, is accused by the others.



Adoc and Gamaliel (amongst diuerse others) were two brethren, the one excelling in learning, the other in armes: Sadoc by Astrologie foretold vnto his brother, that if he married without the consent of al his brethren, that there should thereby happen a great mischiefe and dishonor vnto al their lineage. Gamaliel neglecting this aduice, did marie in a strange country, which done, shortly after he brought his wife (who was exceeding faire) home into his owne countrie, and obtaining of his brethren his part of the patrimonie left by his father, he liued thereupon peaceably. He being one day fallen sicke, Sadoc visited him so long, that he

Of Camaliel, for slaying two

he fell in loue with his faire sister in law, and found such means as he inioyed her companie in a manner by force; she declared the deed vnto her husband, he both slew his brother Sadoc, & also another of his brethren, who came to defend him: Whereupon the other brethren and kinsmen being moued therewithall, did accuse him to the iustice by these words:

THey truelie are in a miserable case, who haue no freindes that may giue them instruction & good counsell in there youth, because that youth without the aduise of such as are graue and wise, are like a fierce horse without a bridle, who ouerthroweth both himself and his rider: but far more vnhappy, and worthe of all mishap is he, that dispiseth good counsell; and aboue all other they are most vnfortunat, who through such contempt (withour being theselues in anie fault) are partakers of such mischeife as therby doth happen, as wee O righteous Iudges are, who not onlie for such an error haue lost two of the best of our brethren, but also are constrained through iust disdain to demand the death of the third, as vnworthie both to be accounted anie of our number, and also such a one as deserueth to liue no longer in the world, hauing comitted so execrable a sin as to murder his own brethren: not that the fault inciteth vs to hate him, but because the sorow for those whom he hath slaine, prouoketh vs to require iustice: as well to bridle by this example other such like insolent persons, as also that the rest of our parentage may be rid from the fear of this murderous man, spotted with the blood of his brethren. For it commonlie falleth out, that such blood thirstie men as he is, cannot retrain from shedding humane blood: as it appeareth by *Abimilech* the Hebrue, who slue seuentie of his brethren,

thren; and by *Abſalon*, who hauing cauſed his brother *Amon* to be ſlaine, would haue done the like vnto his father: what ſhall I ſay of *Ioab*, and others of the Iews? Theſe are the vertues which a man learneth in following the warres, who being vſed to murther, finding no enemies killeth his friends, and afterwards his kindred and brethren as this hath done: ſo did *Romulus* cauſe his brother to be ſlaine, and *Alexander* killed his foſter brother *Clitus*, & others his good friends and ſeruants. Alſo *Epaminundas* the Thebane, *Manlius Torquatus*, and *Aulus Poſthumius Tubero*, being Romans, ſlew their ſons (more worthy to liue then they) vnder the coulor of obſeruing militarie diſcipline. The like did *Brutus* being in exile, and *Cassius* the Enſigne of *Crassus*, ſaieng that their ſonnes conſpired againſt them: the like did *Artaxerxes Mnemon* King of Perſia. Likewise the great *Conſtantine* cauſed his ſonne and his brother in law to die, without ſhewing a reaſon wherefore: The King of *Iotara* ſlew all his ſonnes except one, becauſe he ſhould be his onely heire: *Anthi Cælio Mithridates*, a noble warrior, ſlew his mother, brother, and many of his children: *Herod* put three of his children to death: Finally, this deſire of murthering proceedeth from the vſe thereof, by the which *Etheocles*, *Polinices*, *Tidens*, *Polites*, *Antiochus*, *Ariſtobulus*, and an infinite number of others, who after they had ben famous warriors, became worſe then hangmen: but who will ſpare him, that for ſo ſmal a hire, or for a vaine glory to be accounted warlike, hazardeth, or rather ſelleth his owne life? Yea, and for the moſt part his ſoule, which life he ought not to beſtow but only for the ſafegard and defence of his countrie and familie: how can they deſerue to inioy life, or to be accounted off amongſt men, who liue to no other end

Of Gamaliel, for slaying two

end but to murder them : and which doe not only delight in making of widdows, and orphants, but also would willingly make their own wiues and children in the like case, (though with the price of their liues) for the great pleasure they haue, to be accounted cruell: such a one this our brother (but vnworthie that name) is and ever hath beene : whereby we doe plainly perceiue, that like as vertues are linked together, so doe vices follow one another: for from his youth he hath despised the good counsell both of all his kindred, and also of his brother whom he hath afterwards slaine, thorow the report of a woman : and what woman ? Forsooth a stranger : who being enamoured of a stranger, and marrying with him, cared not to forsake her countrie and kindred to follow him hether, where (it may be) perceiuing that she was not sufficiently made of to her owne liking, and especially of him who foresaw the mischief that should happen by her, did accuse him vnto her husband, knowing him to be as foolish, and light of beliefe, as prone vnto anger and murder. How manie are there that doe themselves prouoke men vnto adultrie ; But when they see that they are refused by them, they doe afterwards complaine that they would haue forced them : The wife of *Putiphar*, of *Thesens*, and of others, doe verie well witnesse the same : what assurance haue we of the chastitie or goodnesse of this woman, that she hath not done the like ? Hardly may a woman be forced which maketh anie resistance ; and if at the least she want strength to defend her selfe, she cannot lacke a tongue nor a shrill voice to crie out, being a thing so incident vnto their sex : but although she had ben forced indeed, was not the law sufficient to haue punished the same ? Should not we then haue ben

as readie as we are now, to accuse the offender? But forasmuch as truth ingendreth hatred, he hauing found an occasion (as he thought) to offer violence vnto his brother, was in sooth very loth to lose the same: consider then, O you iudges, if such faults be not rigorously punished, that womē being naturally giuen to reuenge, and men ouereasie to beleue them, will commit a thousand mischiefes. Lastly, it cannot be denied, but that it is as great an iniustice to pardon an offender, as to condemne an innocent, & that euen as iustice without mercie is crueltie, so also is clemencie without Iustice iniquitie: wherefore we are certaine that you will iudge rightly, as the law commandeth, and conscience and honor doth bind you.

The Answer of Gamaliel.

Neffect these my brethren (if such they may be tearmed, purchasing my death) doe verie well shew that another mans misfortune is light vnto them which feele it not, and euerie one preacheth patience and temperance in other mens matters, as these doe, who would persuaide me that this execrable offence should not once haue prouoked me to reuenge; the which it hath not done, but rather vnto a iust punishment of the malefactor: for that is called reuenge, which is done wittingly, but that is punishment which is inforced through a most iust cause of disdaine or anger. Some may say that euerie punishment ought to be done with a settled mind, without choler; for feare of being ouer rigorous, I do confesse it ought: but who can also denie that the first motions of anger are not in our owne power? Wherefore I would, and

it were also reasonable, that these my ouer sharpe accusers had a true feeling of the wrong done vnto me, and then they would iudge more modestly of their brother, who hath done that which they ought to desire, that is ; rooted out from amongst them a superstitious Diuine, not only hurtfull to his friends, but vnto all the Commonwealth : Is it not too apparent that such people are puffed vp with ambition, that they had rather see the death of a million of men, then to suffer that by any it should be knowne, that they haue failed one iot in their fond diuinations ? As he of *Milan* did, who ha- uing foretold that at a certaine time he should perish by yron, (not finding any man that would kill him, al- though he gaue them diuers occasions) slew himselfe to verifie his prophesie : so this my dead brother, ha- uing foretold that by this my marriage a great mis- chance should happen vnto all our race, had rather be the cause thereof himselfe, (not seeing any likelihood therein) then to be esteemed vnskilfull in his art, which is especially forbidden both by diuine and humane laws. And then you say that you haue lost the best of your brethren, me thinks that if he were the best, then the rest should be nothing worth at all ; and you ought not to say that a iust cause of disdain constraineth you to require the death of the third, but rather an iniust ha- tred ; for were it not so, from whence could such an in- uectiue proceed, to animate the iudges against me ? Had it not ben sufficient for you only to haue said, this man here hath slain our two brethren for this and this cause, wherevpon we demand iustice ? You say that you are partakers of the misfortunes of my marriage, why doe you not rather say of the insolencie, wickednesse, and adulterie of *Sadoc* ? As also that I am vnworthie to be rec-
koned

koned amongst your brethren; truly hee neuer deserved to be accounted. If offenders ought to be punished for an example, I haue not done so bad as you say, in punishing him suddainely: For who was a more notorious offender then he? You say that those which follow armes doe all become wicked men: *Abraham, Moses, Iosua*, and a number of others because they were valiant in armes, were they the lesse righteous? Moreouer the multitude of those which you alleage that haue slain their kindred, maketh more for my commendation, then my condemnation: for you shall find that the most part of them had lesse cause to doe the same then I. Furthermore I cannot beleue, that either monie, or desire of vainglory draweth men vnto the wars, but rather a desire to maintaine lawfull and iust quarrels, although euery Generall affirmeth it to be his owne. Finally, the wars hath ben in all ages: Saint *Iohn* baptised the souldiors without forbidding them to vse the same art: yea God hath many times commanded his people to vse it: so that it may be iustly proued that wars is rather an occasion of vertue then vice. Concerning the report of my wife, this is not the first time that women haue ben beleued in the like case: wherefore seeing neither you nor I haue or can find any reproch in mine that may blemish her honor, she is as well to be beleued as othets; and if as you say a woman cannot be forced, then haue diuers heretofore ben wrongfully condemned for the like offence. Truly the law had ben sufficient to haue punished *Sadoc*, but if I had had such patience as was requisite, what assurance should I haue had that hee would either haue come before the iustices, or els if he had chanced into their hands, that you would not all haue taken his part, as you are now

Of him who hauing his pleasure of a maid,
against me? And as you say, it is iniustice to pardon an
offender, so is it iustice to punish a wicked man, as I
haue done: wherefore I haue not offended, but only in
that being iustly stirred vp to anger, I haue defrauded
the iudges of their authoritie, of whom humbly besee-
ching pardon for this fault, I do wholly submit my selfe
vnto their mercie, beseeching them also to defend me
from your malice.

Declamation. 22.

*Of him who after he had had his pleasure of a maid,
would haue forsaken her, to haue married her
sister.*



*A Yong Gentleman hauing had a quarrell a long
time with a neighbour of his, made an agree-
ment with him, vpon a condition that the said
neighbour should giue him leaue to chuse one of
his three daughters in marriage, and allow him
the tearme of one yeare to make his choice: so that vnder this
coulor, being familiar with them all, he got the eldest of them
with child, afterwards he would haue chosen the second, where-
vnto the neighbour opposed himselfe, saying:*

*Hou vngracious man, how darest thou imagin
such a wickednesse? Or once behold me in
the face, hauing ben so treacherous and mis-
chieuous to abuse that familiaritie, which was
granted vnto thee in signe of reconciliation, vnder the
which thou hast more harmed me in protesting thy
selfe to be my friend, then all thy weake forces had ben
able*

able to hurt me if thou hadst continued my mortall enemy. O God is it possible that men may be so wicked, That what they cannot doe by force, they accomplish vnder the cloake of an honest friendship: but why say I freindship, When that is the greatest benefit that God hath giuen for the vse of man, without the which, this life should be full of bitternesse and sorrow? But let vs come vnto the matter: did not you make your choise, when you had carnall copulation with my daughter? Is not that the consummation of marriage? Truly yes, they were all three promised vnto you, but in lying with this you haue had your choise, and it is not verie likely that she would otherwise haue consented therevnto; but you breaking promise with her, would by that means be reuenged of me for all former enmities: but if it be so, that an ancient hatred preuaileth more with you then a new friendship? I doe beseech you most worthie iudges, that he may be punished, which hath suborned, seduced, and abused hir that is his wiues sister, for by our agreement, he is bound to take one of the three: moreover let him be punished, which hath so greeuously offended his father in law, his mother in law, and his sisters in law, and finally (contemning laws and all honestie) hath slandered the Commonwealth.

The Answer.

Have not yet chosen at all, but in trying which of your daughters should deserue to be my wife, it fell out, that this prooued with child, I knew not by whom; which was sufficient to haue made me stand in doubt of all the rest: Neuertheless, because I would not seeme to breake our league, I

suddainly made choice of the second, for feareleast as much might happen vnto her, seeing you haue so badly kept the first: but why doe I speake of keeping, seeing the female sex are so hardly to be kept. If you will not giue me your daughter, let vs remaine friends, without being kinsmen? For a true friendship is more woorth, then a kindred, which is made by force or compulsion: wherefore I would not in anie sort violate the vse thereof as you accuse me, but would rather be partaker of your daughters shame in marrying with her sister, then to be once suspected to be the breaker of our friendship. I cannot hinder your daughter to say what she thinks good, both to excuse her shame, and to be made a wife, but for all that I am not bound to beleue her against my conscience, nor to make amends for another mans fault to my losse and dishonor. You doe seeme in your whole accusation against me, not to be well aduised, and I doe verily beleue, that choler (which is an enemy to good counsell) is that which chiefly troubleth you; whereby you speake verie vnfitly to the purpose, for although it were so, that I had gotten your daughter with child (the which I denie, and she can neuer proue) doe you thinke that I would buy of her by marriage, that which she hath already given me, because shee would haue her share of the pleasure? Or do you thinke me so mad, that I would wed her, whom I should euermore suspect to play the wanton? For sildome or neuer doth a woman abandon her honour vnto one man alone, and she that cannot keepe it befor she hath tasted the sweetnesse of the sport, will neuer keepe it after she hath ben pampered therein. But where doe you find, that the dalliance of louers, is the contracting of marriage? If it were so, then must some men needs marrie
more

more then fiftie women, so readie are they to yeeld, yea and sometimes to require the same. Lastlie, I denie, that mine intention was euer to offend you ; and sufficient prooffe thereof, is the desire that I haue to satisfie you, not refusing her for my sister, which hath so much forgotten her selfe, as not only to lose her honest reputation, but also wrongfullie to accuse me : and because I will not be ouer tedious, I put it vnto your discretion, either to let me chuse or to chuse your selfe, whether you will haue me to be your son in law or no, bethinke you well then of the matter, for I will not make the first motion therein.

Declamation. 23.

Of the part of a house which was to be pulled down, for the offence of one that dwelled therein, whereupon another dwelling in the same house, was opposite.



Women were owners together of one house, one of them dwelled in the lower part, and the other in the higher part thereof : he which dwelt beneath committed an offence, for the which the law commanded that his dwelling should bee pulled down : but he which dwelled aboue, withstood it, saying :

TRue it is that this house is ours in common, and for his part he dwelt in the lower part thereof, but what haue I to doe with his fault, that for the same my dwelling ought to be harmed, seeing that I haue not offended the law in anie sort? What is he

A controuerſie for the pulling downe

that doth not very well vnderſtand, that in pulling downe the nether part of an houſe, the vpper part thereof falleth of it ſelfe, as being without foundation, or an vnprofitable manſion? I will not diſobey the law, the which although it be to be obſerued, yet is it not for all that to be vſed with the extreameſt rigor, for the text of the moſt part of the law is briefe, but it may be well enlarged by the gloſes, and thoſe which tend more vnto pittie then rigor, ought to be allowed, and eſpecially in fauour of them which are not faultie, in hurting of whom it is meere iniuſtice; which is a thing more iniurious, then not to puniſh the offender at all: for if it be lawfull to preferre mercie before iuſtice, how much more then ought we to vſe clemencie rather then cruelty; As this would bee, to take away the dwelling place from a poore innocent familie ſuch as mine is: It muſt be conſidered that this law was made for ſtrong houſes, wherein the malſactors might make reſiſtance, but throwing downe ſuch an houſe as is onely fit for dwelling, you not onlie wrong me & mine, but alſo the neighbors of the whole ſtreet, yea and the whole cittie beſides, in leauing a void place in a chiefe ſtreet, amongſt ſo manie houſes, the which will ſerue but for a lurking place for theeues, and other wicked people that walke by night: wherefore if the extreameſt rigour muſt bee ſhowne, that a part of the houſe muſt be pulled downe, let it be the vppermoſt part, and leaue the lower roome for a recompence vnto me; although it be ſomewhat to my preiudice, to change the whoſomeſt part for that which is cold and moiſt: moreouer to ſpeake the truth, it cannot be well ſaid, which part was iuſtly his, ſeeing the houſe fel in partition, or in common vnto vs both alike. It is true alſo that the ſame part which you will pull downe,

downe, fell vnto him by lot, and so did mine likewise vnto me, seeing then that the offender cannot be harmed, except he that is innocent be hurt, it were better either to spare the one for the others sake, rather then to hurt him that neuer offended; or at the least to doe as I haue said, and make a change, that the faultlesse be not altogether vndone.

The Attorney Generall contradicth him, thus.

IT seemeth in a manner that your speech hath some likelihood of reason, but being thorowly well considered, it hath none at all: for it is necessarie, that iustice (which is a benefit for the Commonwealth) should take place, all particular profit or dommage set apart, for euen as you say, that this house fell vnto you both by lot, so the same lot willed that his part should bee the lower roome, and not the vpper: the law commandeth not his part alone, but that his dwelling place should be raced downe, the which ought to take place, yea although his dwelling had ben hired, to warne those that bee landlords not to let their houses but vnto those that they know to be honest men: & it was not in vain, when a Citizen of Rome causing the sale of his house to be cried thorow the cittie, he made it to bee published, that amongst other good properties which was belonging vnto it, there was good neighbors round about it; which doth manifestly prooue, that a man may often receiue hurt by his neighbors, how much more then by him that dwelleth in the same house with him. In thinking to saue part of your abilitie, you would blemish your whole honor, for in pulling downe your habitation, and letting the offenders stand whole, it will be

A controuersie for the pulling

he thought that you haue committed the crime, & that
 he is innocent, becaule the same is done as much for a
 perpetuall memorie and reproch of the offence, as for
 an example to others: and the law was ordained for the
 strong houses no more then it was for those that were
 weake, whose losse will be a lesse hurt vnto the Com-
 monwealth. Moreouer, where the greater number is,
 there do such faults happen the oftener, as also becaule
 the common people are lesse afraid then the Noble, to
 be conuincd of crime; for as much as the fall of the
 great, cannot chuse but be great, and therefore the
 more to be feared, and especially when it concerneth
 the losse of honor, which is so hardlie to be gotten, but
 being once lost, sildome or neuer may it be recovered.
 The augmenting of the gloses of the law cannot re-
 dound vnto the preiudice of iustice, which is to correct
 or punish the wicked without anie respect at all: if you
 haue nothing to doe with the fault of the offender, no
 more also hath iustice to doe with the losse which you
 sustaine for dwelling so neere vnto him, and you must
 not say that this void place shall serue for a lurking hole
 for theeues and such wicked people as walke by night,
 for so long as iustice shal be trulie administred, the num-
 ber of such kind of people will be but small. But why
 doe you not as well say that this place will serue for a
 terror vnto those which would commit the like offen-
 ces, seeing the token that iustice hath here left for the
 same: and this must be especially remembred, that there
 is no other bridle to restrain the wicked, then the inui-
 olable execution of the laws, yea, it is the chieftest work
 of mercie to punish the wicked with rigor, becaule that
 by the punishment of one, an hundred are terrified:
 wherefore we must not for some little particular losse,
 neg.

neglect the common good, and the rather, because that for your losse you may seeke your remedy vpon the rest of his goods: but should it be otherwise, yet ought you to preferre iustice, which is immortall (as being the daughter of God) before a little temporall goods.

Declamation. 24.

Of him who hauing lien with his bondwoman, would neither manumise her, nor consent that her sonne should be sold.

HHe law in times past was such, that if any man did lie with his bondwoman, he was inioined to manumise or make her free. Whereupon it happened that a certaine man begot his bondwoman with child, he being called before the Iustice, did sweare that hee did not lie with her; she being in trauell with her child, swore he did: the iudge the better to sift out the truth and to be assured whether the child were his, commanded that he should be sold for a slaue, (the man lying in prison for debt) vnto the which he would in no sort agree. Whereupon the iudge presumed that he was the father of the child, and cōdemned him to manumise the mother. The man appealeth saying:

IT is manifestly to be seene, that the iudge is more carried away with passion, then guided by iustice, for first he would haue me to make my bondwoman free, and yet she neuer requested me to doe it, and next he hath constrained me to sweare, thereby to exempt me from

from doing it, but not content therewith, hauing be-
 thought himselfe vpon the speech of her being in tra-
 uaille of childbirth (and it may be, incited by himselfe)
 would that there should be more credit giuen vnto the
 oath of a bondwoman, then vnto his, that is a Citizen
 free born, and owner of the bondwoman: who doub-
 teth that she (seeing her selfe fauoured of the iudge)
 will not take an occasion to sweare an vntroth, to gaine
 her freedome? But must he belecue her for all that?
 When a slaue is taken for an offence, if he saith his mai-
 ster is partaker with him therein, is he to be beleueed? Do
 we not know that euery slaue hateth his maister? But
 the passion of the iudge is verie manifest in this, that a-
 mongst al the moueable goods which I haue, he would
 needs cause this poore child to be sold, who as yet can-
 not speake: I gainsaying so great a crueltie, he would
 inferre that I declare by the same that he is my sonne;
 the which is not true: but I am not so hard hearted, nei-
 ther do I hate the fillie creature (born within my house)
 so extreame, as I can without compassion see him se-
 perated from his mother so yoong, which is almost e-
 nough to kill him; but what a iudge are you, That in
 steed of exercising mercie, wil hinder others from vsing
 it? Whereby a man may easily know how vnwoorthie
 you are to execute the office of a iudge, seeing that iu-
 stice and pittie ought to be ioined together as the body
 and soul, which being seperated one from another, the
 bodie dieth: euen so without mercie, iustice dieth: and
 as the dead bodie by corruption is turned vnto earth, so
 is iustice without mercie changed into crueltie. How
 long did the cittie of Rome flourish, being grounded
 vpon pittie? When in her beginning she receiued al na-
 tions, which had elsewhere no place of aboad? And yet
 you

you would condemne me, because I embrace pittie in my heart, which will neuer enter into yours; otherwise you would comfort me being so miserable a prisoner as I am: but to encrease the affliction of the afflicted, you would not onlie cause that to be sold which he loueth, but also would haue him manumise his onlie bondwoman, from whom he might reape some profit by her seruice. Yet if at the least you had willed the mother and the child to be sold both together, your crueltie then should not seeme so manifest; but like vnto *Herod*, you haue a desire onlie to hurt the innocent and the prisoner: notwithstanding, I haue so great confidence in the equity of those who are more righteous the you, that (they hauing iust pittie of the afflicted, and innocent) will condemne your crueltie.

The Answer.

Were you so honest a man as you should bee, you might both be free from this punishment, and I eased of that trauel which you haue put me vnto: but how would you be esteemed iust and pitifull, seeing that you your selfe doe giue men occasion not to thinke you so? shewing your selfe to be either more slanderous then anie other, or els trulie verie miserable? Doe you not know that it is the greatest vertue that can be in the world, for a man to bridle his tongue, and that it oftentimes hurteth his own master more then doth his enemies sword? Wherefore I stand in doubt whether your malice or ignorance is greater, but the one being neuer without the other, I will onely say that you shew them both at once, attributing that in me to passion, which can be no lesse the prudence:

dence : truly hee were vnworthie to bee a iudge, that knew not how to discouer the malice of offenders, for as much is that iudge to be esteemed which is without wisdom, as a Commonwealth without laws, a Prince without faith, a phisition without experience, a souldior without valor, and a Marchant without credit, who being such, they doe not fall themselves alone, but they are the cause of the ouerthrow of a great number. But tell vs what was the cause that *Salomon* iudged so rightlie, but onlie wisdom? Euen so I without the same should neuer haue knowne your iniquitie, and so consequentlie I should neuer haue found out a iust cause to condemne you : for it is verie manifest, that couetousnesse neuer iudgeth anie thing to be vnlawfull, because it hath no place but amongst such as are wicked, which is it that caused you to thinke it lawfull to commit whoredome with your bondwoman, then to denie the fact, and to forswear your selfe, because you would not make her free, desiring rather to preiudice the law, then to hinder your profit, and afterwards being cast in prison for yout faults, you would yet further defraud your creditors, in not consenting to the sale of him, who (if he be not your sonne) standeth you in no stead, but to burthen you with a further charge: and especiallie hindering his mother, he is the cause that she cannot applie her businesse to get your liuing and her owne, so that they doe both helpe to consume and wast that little which remaineth to paie the creditors, or that which you haue hidden to deceiue them. If he be not your sonne, whie would you keepe him? To serue for a witnessse of your seruants shame? Doe you not know that he which cleaueth vnto vices, maketh them his owne? It is no charitie to keepe a child to be your slaue, and lesse

lesse charitie is it, not to consent to haue him sold to paie your debts. Touching your demand, why I doe not sell your other goods? I answere, there is time enough, but I would first begin with that which was least profitable vnto you, and yet of great charge; and if you allow not this reason, I did it to make the truth knowne vnto others as wel as to me it is, that he is your child; wherein I doe sufficientlie declare, that I do not onlie ioine mercie with iustice, but also that I doe further therevnto ad wisdom, to make vp the number more perfect; for without it iustice seemeth to be rigor, and mercie no better then follie: for what greater foolishnesse can there be, then to pittie such a one as hurteth others? as this infant hurteth you and your creditors; therefore if he be not your sonne let him be sold, and if you haue begotten him, make his mother free. Wherevpon doe you appeale? Because I haue not likewise condemned you for periurie? The same may yet be done all in good time, the deed being prooued. You do also saie, that it were better to sel the mother and the child together, it would be more indeed the childs profit: but it must bee considered that manie would willingly haue a child in their house to make them some sport, and afterwards to doe them some seruice, which would not be troubled with a whoore, that can be nothing but a slander, and an ill example for all their household. For all these foresaid reasons, it may be gathered that I haue no desire either to harme the innocent, or to hurt the afflicted, but mine intention is to haue the father acknowledge his child, and that the mother should be recompenced as reason requireth.

Declamation. 25.

Of a Generall who after he had lost the battaile, sent to the Prince to know if he should giue the battaile.



King sent his Lieutenant Generall to the warres, with an expresse charge not to giue any Generall battaile without he did first aduertise his Maiestie thereof. It happened that occasion offered such an aduantage, that the said Lieutenant (notwithstanding the Kings commandement) did fight a battaile: but as the wars are casuall, and that oftentimes fortune crosseth the vertuous, so he lost the said battaile, and presently afterwards hee sent a post vnto the king to tell him that such an occasion was offered vnto him to giue the battaile, as was greatly vnto his aduantage, and declared such apparent reasons, as the Prince appointed that the battaile should be giuen, then the messenger said: If it like your Maiestie the battaile hath ben giuen with all such order and policie as was requisit, notwithstanding wee haue lost the field: The King being exceeding angrie, caused the messenger to be hanged, and the Lieutenant Generall to bee taken and condemned him to death, who appealed, defending his cause thus:

IN vaine doe Princes send those vnto the wars, whose hands they keepe tied, and trulie it may be said that I was sent in such sort: Neuerthelesse, seeing the likelihood of a profitable victorie, to finish the wars to the great

great honor and commoditie of my Prince and countrie, the band of his commaundement vnloosed of it selfe, and leauing me at my libertie, I did my best, although fortune enemy to vertue so wrought against vs, as the effect prooued not according to the likelihood of the deed, and the desire of the doer, but what shall I say? That I can do what men may doe onlie, fight a battaile, but God alone must giue the victorie: The which oftentimes either he delaith or suffereth it whollie to be lost for the sinnes of the people, when God seeth that their pride and other vices are not yet left: moreover, it happeneth manie times that God will punish the insolencie of the souldiors, vsing the enemies as instruments of his iustice; Was not the battaile lost by the children of Israell before *Hai*, onlie for the theft of *Achan*? Was not also the whole host troubled, and *Ionathas* in danger of death because he had tasted a little honie? With a number of other examples which I ouerpasse because I will not be tedious. Alas how hard are mens actions to be effected, without his great danger that imploiethe himself therein? And principallie when the iudgement of the performance thereof dependeth vpon one mans voice onely? Wherefore O Prince I say, that you alone cannot iudge me, much lesse condemne me, except you doe it of your owne absolute authoritie, which vndoubtedly were manifest tirannie, the which I thinke you doe verie much abhorre: considering that you alone cannot be a head without members, and that in this deed of mine the members are also interressed, that is to say, if I haue offended, they are to punish me, and not hauing offended, they ought to preferue me, to performe some good service: for it is a matter of no small importance for them to saue or lose

L such

Of a Generall who transgressed his

such a man, whom you haue thought worthie to be the onlie Generall of your wars : and I doubt whether you alone may make a decree that I shall not fight, except also you your selfe may command me to doe it: for seeing the losse is more hurtfull vnto the people, then to the Prince, wherefore ought he to be the onlie iudge of a deed, wherein the Generall profit, or losse of the comminaltie consisteth? For bee it losse or gaine, the people must maintaine the Princes estate, and especially when they lose most, then are they most of all burthened with imposts and lendings, to resist the enemy, and to satisfie the Princes pleasure: wherevpon it may be inferred that if I haue offended, it is more to the preiudice of the people then the Prince: notwithstanding I am content to submit my selfe vnto their iudgement, trusting that they will haue no lesse respect to the seruices which heretofore I haue done, and to those which hereafter I may yet doe, then vnto the good meaning that I had to performe this last seruice well, although God (it may be for a greater good) would not suffer me to haue the victorie, being as likely as it was desired.

The Princes Answer.

YOUR excuse aggrauateth your crime, saieing that you did your dutie, and yet despised his commandement, whose mind therein you knew not. Did you know the reason why he forbade you to fight? Thinke you that he was altogether ignorant what the enemies were able to doe; and that they might be overcome rather by temporising then by anie stroke striking? Doe you thinke your selfe wiser then that great *Fabius*, who rather desired to be counted a coward, then to lose the
Ro-

Romane Citizens, who in that sort temporising with great patience, was in the end the conqueror of that furious *Hanniball*. Doe you not know, that before a man can command, he must know how to obey: the which you had no desire to do; You would willingly haue the souldiors obey you in doing badlie, and you would not obey the Pirince in doing well, what would they saie of you, if they were liuing? M. *Manlius Torquatus*, *Aulus Posthumus Tubero*, and *Epaminundas*, they caused their owne sonnes to die for transgressing, nay, rather for fighting against their commandement, yet had they the victorie; O how happie was that world then, when nothing was impossible vnto those warriors so well disciplined! It is alwaies the custome of the rash and brainesicke men, to attribute their faults to the will of God, to fortune, to the sinne of the people, Prince, or souldiors, as you doe; forgetting your owne, together with your disobedience, which being displeasing both to God and men, can bring forth nothing that good is: then you mocking the Prince after the battaile is lost, doe demand whether you shall fight it, alleaging so manie reasons (it may be forged) that it were impossible to lose it: and that which is worst, heaping sinne vpon sin, you bring the princes authoritie in question, and stirre vp the people against him, but your owne reasons doe confound you, for doe not all the members obey the head? The head being greued, are not all the members pained? Yea, when manie members are lost, the head still remaineth, and taketh care to preserue the rest, as hitherto I both haue, and will still preserue my people (God willing) who are not so impudent as to desire to take an account of your faults, knowing well, that as that which concerneth the soule is referred vnto the di-

Of those who were executed for confessing

nine, the diseases of the bodie to the phisition, and con-
 trouersies for goods to the iustice, so are matters of
 warres and the gouernement thereof referred to the
 prince: but how can you doe them anie good seruice,
 seeing that you haue done your best to ouerthrow the,
 for your owne pleasure? Trulie I should haue thought
 you alone worthie to be my Lieutenant Generall, if
 you had knowne how to obey me: but not esteeming
 me for your Prince you cannot be my Lieutenant. Doe
 you not know that in al affairs faults are not tollerable?
 But especially in the warres, where there needeth but
 one to ouerthrow all, they are most hurtfull: where
 haue you euer scene that it is lawfull for an offender to
 change, or alter the lawes, much more then is it for him
 to diminish or bring in question the authoritie of your
 Prince? But what would not you haue ben bold to at-
 tempt if you had ben victor? Surely nothing, but e-
 uen to haue attempted to make your selfe King. Final-
 lie, the people may remember both the good and bad
 seruices that you haue done, and those which you may
 yet performe: but as for me I doe award him to be pu-
 nished, who instead of demanding mercie and pardon
 for his offence, will procure a second destruction, in
 changing of auncient customes, whereby the people
 haue ben all hether happilie gouerned, and preserued:
 for there was neuer anie alteration of laws or customes
 without bringing a calamitie vpon that land wherein
 they were begun.

Declamation 26.

*Of those who were executed, because they confessed
 that they had murthered a man, afterward it was
 found that they were guiltles.*



A Iudge (vpon some likelihood) caused two men suspected of murder to be racked: they confesse the fact, and are put to death. Some certaine time after their execution, he which was supposed to be murdered returned home: whereupon the kinsmen of those that were executed accused the iudge, saying:

*L*asse how miserable is that Commonwealth, where those that ought to administer iustice, and defend the innocents, doe (in stead of protecting them frō danger) put them to a most shamefull death: which trulie proceedeth by the admitting of cruell and bloodie men to the seat of iustice: who besides their wicked nature, being accustomed to this vice, would make vs to belecue that iustice (which ought to be the twinne sister vnto mercie) consisteth in nothing but in barbarous crueltie: such a man is this our worthie iudge, who vnder the coulor of I know not what likelihood, because he would not seeme to be idle, hath tortured and tormēted two poore innocents in such sort, that to escape from his hands, they haue thought it a lesse hurt, to die by the hands of the hangman, then to remaine anie more at the discretion of such a iudge. Surelie it were better to pardon two malefactors, then to put to death one innocent; but this man hath rather cause two innocents to die, then he himselfe would not be an offender. The ioints of euery righteous iudge ought to tremble, the hairs of his head to stand vpright for feare, yea, & the heart to faint when he thinketh, that by the authoritie of his voice (although neuer so iust) one like vnto himself, (nay more)

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resembling

Of those who were executed for confessing
 resembling the image of God, should be put to death?
 Seeing the fault for which he dieth cannot be recom-
 penced; wherefore *Nero* (who was accounted a mon-
 ster for crueltie) had yet a kind of horror, when he sig-
 ned anie sentence of death. You will saie that they are
 put to death to terrifie others that are wickedlie min-
 ded. I confesse it, but the same ought to bee done vnto
 offenders. Alasse, if this iudge had beene as carefull to
 haue sifted out the truth (which at the last by time is
 now brought to light) as he hath ben cruel to torment,
 and readie to execute these poore innocents, neither
 had they died so shamefullie, nor he liued to haue been
 charged for the crime of their death: but who may
 henceforth beleue that the verie wicked ones can be
 rightlie iudged, when the good haue beene so wilfullie
 cast away? Doe so much then O you rightful iudges,
 that this vniust iudge may be no more neither of your
 number, nor of the number of men, vnlesse you will
 all be partakers both of his crime and of his dishonor.

The Answer.

OF a truth that Commonwealth is miserable, where
 the iudges are such as you say: and most happie
 where they doe in no sort swarue from the laws and cu-
 stomes long since allowed of, which I haue wholly ob-
 serued and kept: For the law commandeth, and the cu-
 stome is, that euerie man suspected of crime, whereof
 there is a verie apparent & sufficient likelihood, should
 be put vnto the racke, although the iudge were neuer
 so well perswaded of his innocencie: and confessing
 the same both vpon the racke, and when he is taken off,
 that then he should be punished: surelie if I haue o-
 therwise

therwise proceeded, I am faultie; but hauing not done amisse, I accuse you for wronging me, and require that you make me amends for dishonouring me: consider that it is in a manner an offence for anie man to liue so loselie as that he may be suspected to be a malefactor; such haue your kinsmen ben, for they were not onlie suspected of me, but generallie of all men, and it may be of your selues, for you neuer offered to approue their innocencie, vntill after their death: They should haue taken heed that they might not haue been suspected. In Athens and Rome, although *Aristides* and *Cato* had ben accused of murther, yet neither the iudges nor the people would euer haue beleueed it, so much is the opinion of a man his sinceritie able to do; which good opinion was neuer had of your kinsmen: morcouer, they should not haue confessed the fact with their own mouths, know you not that the iudge must not be partiall on neither side? But he must iudge according to the witnesse of others, and the prisoners owne confession: complaine then vpon those who haue brought in such sufficient prooffe as caused them to be racked, complaine also vpon their impatience and cowardlinesse, in that they would not indure the torture of the racke, rather then die vpon the gallowes. I know well inough what regard is to be had before we pronounce the sentence of death against anie man: As concerning *Nero* it is well knowne that it was but hipocrisie in him, although he seemed to haue a certaine horror when he signed the sentence of anie condemned man, for afterwards it was apparently seene, that he caused manie innocents and men of worth to die, and I verilie beleue that he would haue made no difficultie at al, vnlesse the partie condemned had beene a notable wicked fellow,

Of him that fell from the top of his house,
for euerie one do loue such as are like vnto themſelues.
I did not prolong the execution, becauſe I would not
increaſe the affliction of the miſerable by long imprifonment,
as all iudges doe who are not ſubiect to corruption,
for the prolonging of a malefactor's life is both irkſome
and hurtfull vnto him. To conclude, let their proceſſe
be throughlie examined, and if I haue done anie iniuſtice
I do ſubmit my ſelfe to be puniſhed, if not, then I appoint
theſe my accuſers to be ſo ſerued.

Declamation. 27.

*Of him that falling downe from the top of his houſe
ſlew another man, againſt whom the ſonne of the
ſlaine man demandeth iuſtice.*

IT happened that in the countrie of the
Switzers a certaine countrieman being
got vpon the top of his houſe to ſee what
reparation was wanting, fell downe by
miſchance vpon another man who hap-
pened to walke vnder the ſame houſe, &
with his fall he ſlew him, but himſelfe e-
ſcaped. The ſon of the dead man cauſed the other to be imprifoned,
and required that he might be put to death according to
the law, which ſaith, that euerie mankiller ought to die, and he
would not take anie other amends or ſatiſſaction: the iudge of
that place ſeeing his moſt cruell obſtinacie gaue ſentence, that
the ſaid plaintife ſhould aſcend vpon the top of the ſame houſe,
and throwing himſelfe downe vpon the defendant, ſhould kill
him if he could. The plaintife appealing before the Seignorie of
Berne ſaith.

My

MY lords I beseech you to consider what men our iudges are, who in steed of doing iustice for the death of one of your subiects, will further ad therevnto the death of another, or at the least compell him with the danger of his life to be the executioner of himselfe, or of another, or it may be of both twaine together, which is a thing most abhominable, and against all reason. Who hath euer heard that the punishment of a murtherer hath ben executed in this sort? And that there was euer anie honest man that on a suddaine was commanded to play the hangman and to performe an execution so strange? They say that he fell downe by mischance: as for me I thinke that he did willinglie throw himselfe downe vpon malice, for els hee would at the least haue given warning vnto all men (as his dutie was) that he meant to goe vp to the top of his house, that they might haue taken heed of anie inconuenience that might chance as wel by the falling of the tiles, as of the like of this that now is happened: but if it were true that hee fell by mischance, why should not he haue beene slaine as well as my father? Consider my lords that the malice of men was neuer so great as at this day it is, and that they deuise manie means how they may hurt one another: and especiallie those in whom malice is rooted, which is neuer showne but when it maie doe most hurt.

The Answer.

Consider my Lords the malice together with the ignorance of this man, who heaping mischief vpon mischief, would make of one mischance twaine. Is it not inough that one honest

nest man be dead, But that another must against reason die also? Must the Commonwealth be in such sort maintained? Were it not better that this man should be preserved to helpe to defend the countrie if need were? Do we not know that sometimes one man is more woorth then an hundred? Is not he of the same lump as they were, who in times past, by their valiant deeds in armes, were able to winne that libertie which we do now inioy? (Thanks be to God, and to the inuiolable iustice of this most noble Senat) Suffer not then my lords the will of this foolish malicious man to be fulfilled, ynto whom the defendant hath offered such a satisfaction as is more then reasonable: but he being void of all reason, hath by his most greuous obstinacie constrained vs to giue this sentence, which was no lesse absurd then his request vnreasonable, being very sure that he would neuer effect it: and for answer vnto his triuolous assertions, we will only say that the defendant had occasion to be vpon his house top, and the father of the plantife had nothing to doe beneath, or before the same: not that the other neuertheless had anie desire to hurt him, but is extreamelie sorrie for it, neither is it likelie (although he had borne him neuer so ill wil) that he durst haue hazarded his owne life in that sort, but he would rather haue thrown a tile at al aduentures and afterwards haue come downe on the other side saying that he did it not. Lastlie, the malice and enuie wherewith he would slander another, is too apparent in himselfe; Wherefore it may please you (most mercifull lords) to giue such iudgement as this your subiect being innocent, may be preserved to doe his countrie some seruice.

Decla-

Declamation. 28.

*Of him that caused his wiues chastity to be tempted,
that thereby he might haue some cause to put her
away.*



*Certaine man caused his wiues chastitie to bee
tempted by his seruant, that was both faire and
yoong, who was many times so importunate with
her, that at the length her husband (being hid-
den in the garden) did heare how she promised
vnto her fained louer, that she would yeeld vnto his desire, the
first time that her said husband should ride into the countrie.
Whereupon he accused her to be an adulteresse, and would haue
put her away, saying:*

Not in vaine doth *Salomon* say, that a vertuous wo-
man is a crowne vnto her husband, but she that be-
haueth her self dishonestly is a corruption in his bones:
Alasse I did suppose that I had had a vertuous wife, but
she proueth quite contrarie, wherfore I am constrained
to forsake her, although the wife ought to be no other,
then the better part of the husband so long as she is
knowne to be honest, but if she be otherwise, reason
willeth him to make no longer account of her, for mar-
riage being a figure of God and his church, it ought to
be altogether pure and immaculat: moreouer the man
and the woman by this means ought to be as the soule
and bodie, which cannot be seperated but by death:
but finallie I know to my great discredit, that he which
taketh a wife is assured of a great danger, seeing that
mine

Of him that caused his wiues chastitie

mine without anie occasion (hauing whatsoeuer a woman of her degree might desire) hath giuen her selfe ouer vnto such a one as was euen but my seruant: what should not then some noble or worthie man haue obtained at her hands if he had likewise tried her: but she not being courted by anie other, yeelded vnto the first, as also because all lasciuious women do very well know that such men as liue without care are best able to satisfie their lust, which is the onlie cause that they doe rather frequent the companie of Lackies and Monkes who are fed without anie care or cost of their own: but what a foole am I to complaine, and say that this is the first offence, seeing that this perchance is not the hundredth man that hath obtained whatsoeuer he required of her, for commonlie manie faults are committed before that one be espied: but when one is disclosed, it constraineth a man to be suspitious of many more: and that woman may well be tearmed shamelesse, which suffereth her tongue to promise the performance of such a villanie: especiallie seeing those that are most impudent, desire that men should thinke that they are not lightlie to be wone, but that with much courting, large offers, and round rewards, they are rather inforced to yeeld, then vpon no consideration at all to promise a victorie. I maruaile much why anie woman can for shame liue to shew her face, when she her selfe by her owne tongue condemneth her reputation: O an hundredfold miserable are they, that for so fraile a solace doe buy a perpetuall sorrow: but what goodnesse can there be in that woman which hath lost her chastitie? The which was well knowne of *Susanna*, *Lucrece*, and the Grecian *Hippo* who did leape into the sea, chusing there to die rather then she would lose her chastitie, besides

fides manie others, who ought to serue for an example vnto our matrons, but they had rather imitate *Flora*, *Thais*, and *Lamia*, wherefore as they doe deserue to be heires of their vice, so likewise ought they to inherite the same renoune: as for me I am sure if I doe remaine anie longer with this woman, that not onlie my goods and credit, but also my bodie and soule shall be in danger of losing, for such as are harlots do steale from their husbands to giue their companions, and sometimes they make them their husbands murtherers, at such a time when as soule and bodie do both perish together: to preuent so great a mischiefe (I speake to you my mai- sters that are her kinsmen) I know not what your kins- woman was when you gaue her to me, but I am verie sure that I redeliuer her vnto you a most dishonest wo- man, wherefore I do but my dutie in putting her away, seeing that *Cesar* did put away his wife, because hee found *Claudius* in his house apparelled like a woman at such time as the women were about their sacrifice, and not knowing whether hee meant to haue defiled his wife, he only alleaged this for all his reason: It behoo- ueth (saith he) the wife of *Cesar* to be as free from suspi- tion, as she ought to be from fault: receiue then your kinswoman charged with an euident crime.

The Answer of the kinsmen, beginning at the end of the accusation.

○ What a prowd fellow is this, that would compare himselfe vnto *Cesar*, ○ what a great credit he doth himselfe in thinking to discredit vs, when he saith, That he knoweth not what our kinswoman was when shee came vnto him: but that he knoweth well how he re- storeth

Of him that caused his wiues chastitie

storeth her vnto vs worse then dishonest, trulie he hath made a faire peece of worke, in causing her to be tempted, to make her seeme such a one : in sooth that man which wil be a baud vnto his wife, doth deserue (as you doe) to lose his goods, life, reputation, and soule also. We know well inough, that the best part in a woman is her chastitie, and how much they are to preferre it before all other graces : so also you cannot denie but that the dishonesty consisteth in the deed, and not in a word spoken without knowing to what intent: what can you tell whether she promised him for feare least he would haue forced her, seeing her alone ? Or because she wold cause you to know the vnfaithfulnesse of your seruant, and by that means conserue both your credite and her owne ? Neither doe wee likewise denie that she hath made a promise vnto the first that courted her, for being vertuous, and so knowne, there was neuer anie man that durst be so bold to aske her anie such matter, as also your seruant durst not haue presumed, if you your selfe had not encouraged him : he then which seeketh for that which he would not find, ought not so to complaine, if he find that which he would not haue sought: but it is verie likely that your selfe was verie certain that she would neuer haue performed her promise, seeing you had no will to see the triall thereof, for what could you haue lost thereby, if shee bee such a one as you say she is ? But you know verie well that she is better then you deserue : therefore because you hated her vertue, you would be rid of her : surely you alleage *Salomon* verie well for your aduantage, as you thinke ; and you say not amisse when you affirme, that the wife ought to be the better halfe of her husband, for certainlie the same is scene in our kinswoman, seeing that you are of no account

count at all, wherefore you doe not deserue that shee should be your crowne. Lastly were she lesse honest, she might denie that which you cannot proue, but seeing that she hath made no promise, but to quite her selfe and to saue your reputation and her owne: we require that you may first make amends for slandering her, and afterwards we will not refuse to take her away from such a wicked man as you are.

Declamation. 29.

Of a bastard who demanded the performance of his fathers will, although the house and the goods were burned.

A Man making his last Will and testament, left all his goods vnto two of his sonnes lawfully begotten, vpon condition that they should giue a thousand crowns vnto his bastard. Now it chanced that during the funerals, the house, and the most of the best stufte therein was burned, so that the remainder of all the goods and mooueables that were left, amounted not to three thousand crowns: Neuerthelesse the bastard demandeth a thousand thereof, the eldest sonne consented, the yoonger resisted it, saying:

What reason is there to giue a greater portion vnto a bastard, then is left for the lawfull children? Seeing the mischance that is happened, moreouer it is to be doubted whether our father might or ought to make a will in such sort, seeing that

Of a bastard who demanded the performance that reason bindeth the fathers so soone as they haue children, to beleue that they (being no other then true administrators of their goods) ought to leaue them vnto their children, at the least in such quantitie as they haue receiued them from their fathers: but let vs inquire of this claiming bastard, (that with so great instance demandeth the accomplishment of our fathers last Will) that if he had bequeathed him an hundred blowes with a staffe, whether he would willinglie receiue them? I beleue he would not: or if he had imposed him to doe some great pennance for him, or to accomplish some great vow or pilgrimage, a man shold then haue seene how readie he would be to performe it: but for the most part it is a custome that those which haue stood the dead in no stead, except it be to discredit them, will neuer thelesse desire the best part of their goods, before thole that haue better deserued them: but what is he? Vnlesse he bee such a one as he saith, That is, a manifest witnessse of our fathers shame: and if he be not such a one, what is that which he requireth, and wherfore doth he claime it? Especiallie seeing that such a mischance is happened, as the best part of our goods is lost before that anie part of the Testament could be performed. As for my brother, if he will giue away his goods, I will not hinder him, but I will keepe mine if I can: and the rather, because that if the worst doe happen, yet cannot he claime anie further part in our goods but onlie such a reasonable portion, according to the value of it now (considering our losse) as may proportionable answere the value of that which it was worth at the same time when the Wil was made; and yet if I doe bestow this liberalitie vpon him, it is for the loue of our late decessed father, and not for his owne sake.

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The Answers.

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Of a bastard who demanded the performance

that reason bindeth the fathers so soone as they haue children, to beleue that they (being no other then true administrators of their goods) ought to leaue them vnto their children, at the least in such quantitie as they haue receiued them from their fathers: but let vs inquire of this claiming bastard, (that with so great instance demandeth the accomplishment of our fathers last Will) that if he had bequeathed him an hundred blowes with a staffe, whether he would willinglie receiue them? I beleue he would not: or if he had imposed him to doe some great pennance for him, or to accomplish some great vow or pilgrimage, a man shold then haue seene how readie he would be to performe it: but for the most part it is a custome that those which haue stood the dead in no stead, except it be to discredit them, will neuerthelesse desire the best part of their goods, before thole that haue better deserued them: but what is he? Vnlesse he bee such a one as he saith, That is, a manifest witnesse of our fathers shame: and if he be not such a one, what is that which he requireth, and wherfore doth he claime it? Especiallie seeing that such a mischance is happened, as the best part of our goods is lost before that anie part of the Testament could be performed. As for my brother, if he will giue away his goods, I will not hinder him, but I will keepe mine if I can: and the rather, because that if the worst doe happen, yet cannot he claime anie further part in our goods but onlie such a reasonable portion, according to the value of it now (considering our losse) as may proportionablie answer the value of that which it was worth at the same time when the Wil was made; and yet if I doe bestow this liberalitie vpon him, it is for the loue of our late deceased father, and not for his owne sake.

The

Of a knight of Rhodes who gaue ouer his

losse, seeing that since the deceasse of our father, you haue had the goods in your possession: if you had giuen them me to keepe, I should haue ben bound to answer it, but not being so, I will not forgiue you anie thing: and like as you say that you will keep your own, euen so will I get mine owne if I can, and if I ought to forgiue any part thereof, it shal be rather vnto your brother then to you, because he will not deceiue me; but as the worst wheele in the cart maketh the greatest noise, and vildest beast in the Heard is most stubborn and vntoward to rule, euen so the example of your brother manifesteth your iniquitie, and sheweth that you are contrarie to his iust meaning, the which neuerthelesse by the helpe of God, and the righteous fauour of the iudge, shal but redound to your shame and hinderance.

Declamation. 30.

Of a knight of Rhodes, that would enter into Religion again, after that he had giuen ouer his Order, to take a wife.

WHilest the Knights were yet remaining in Rhodes, a certaine knight amongst them gaue ouer his charge vnto the great maister of that order, and by vertue of a dispensation did betroth himselfe vnto a yong gentlewoman: but upon the marriage day he vnderstood that she was his cousin Germaine, whereupon he leauing her, requireth to be receaued againe into the order of the knights, and that his charge might be restored vnto him, but the great maister hauing alreadie bestowed the same, denied him both the one and the other, saying:

IT is verie vnseemely for a wiseman to say, I thought not vpon anie such, or the like matter: for a discreet man should diligently foresee all things before he determine anie thing, and trulie he that is not wise and very discreet, deserueth not to be a knight, much les a knight of this order, and a commander, seeing no knights are more worthy then they; because they keepe euen the very key of Christendome. Wherefore you must not thinke (gentleman) that the forsaking, and receiuing againe into this holie order of our knighthood, is so easie to bee done as it is in the courts of some Prince, where for the most part, it is sufficient if they be but only knights in name, or as it is commonly said, dubbed but with a Virgin sword: for in our order aboue all thinges, constancie ioined with prudence and discretion is requisite, so that finding none of these three to remain in you, I cannot deeme you worthy to enter into this order, & much lesse to repossele a place of command: but it may be that this presumption of yours proceedeth because you were ouer easily admitted at the first; know then that it was vpon the hope, that being yoong, and frequenting the companie of ancient knights, you might easily imitate their valor, wherein you shewing some likelihood there was a commanders place bestowed vpon you to incourage you therein altogether, but you haue greatly deceiued our hope, when without anie consideration at all you haue giuen ouer so great a credit and honor, to wed such a one with whome you had no acquaintaince at all: is there anie follie more great then to leaue a certaintie for an incertaintie? If you committed this fault because you were in loue with

the gentlewoman, you condemne your selfe to be voluptuous, and so consequently vnworthie of our Order, where you haue made a vow of chastitie, which is maintained by the exercise of the bodie, and by fasting: wherefore *S. Barnard* laid well vnto his Monks; Eat you so sparingly, that the remembrance of bread may be rather in your mind, then the desire of lust: by this meanes the good knights doe harden themselves and learne to suffer constantly the extremitie of a siege or of a long sea voiage. If you haue done it through ambition, you are as little excusable, Because that ambition is like vnto a fire which burneth all before it, and neuer dieth so long as anie thing remaineth to maintain it: and also because it indgeth all things, to be lawfull; our order can neuer put anie trust in you; or if you haue forsaken the order because you make no great account of it, You will neuer doe anie good for it: You may answere that the good is sildome knowne before it be lost, I reple vnto you that they which neither doe know, nor haue knowne what is good, and therefore haue suffered it to be lost, deserue in no sort to haue it againe: therefore it is your best way to purchase it by some other means. Doe you say that your felicitie depended only vpon this marriage? Then afterwards seeing you could not accomplish it, you wold require againe that which you haue forsaken, without anie other reason: you know that our profession is to war against the Turke, wherefore the onely meanes to reobtaine that which you demand of vs, is to imploy your selfe in such sort against our enemy, as we may know the same valor, discretion, prudence, & constancie to be remaining in you, which hetherto you haue not showne: then forgetting all former faults, we shall
ima.

imagine how we may honor and reward you again, as already we haue done, vpon hope that you should haue ben such a one as you ought, and yet may if you endeavour your selfe so to be.

The Answer.

TRulie that man is most wise who premeditateth and foreseeeth whatsoeuer may afterwards happen, but I would faine know where such men are to be found, that I might dwell amongst them as their slaue if otherwise I could not? For so yet should I esteeme my selfe happie, but I beleue that such men are more rare then the Phoenix: for that point which you require to be in me, passeth all humane power, because that either secretlie or openlie the most part of men do know wel that manie matters doe fall out far otherwise then they would euer haue thought they should, and diuers chances may happen vnto them whereof they neuer imagined. Moreouer, I am not ignorant that all these perfections which you alleage, are required in him which will be a knight: I do likewise consider the worthinesse of our order, and doe know that the obtaining, giuing ouer, and reobtaining of the same is difficult: and so will it bee as hardlie prooued that I am lesse worthie then the most part of those that are of the same order, the which I will prooue bodie to bodie against those which will or dare maintaine the contrarie; and it is a speciall point to bee doubted whether I haue left the same or no, seeing that the effect for which I desired leaue to depart is not accomplished. I departed to bee married, but am I so for all that? No surely; for it is impossible that so I should be, because it

Of a iudge who purchaled the hanging

was not lawfull: doe you not know that marriages are made in heaven, and effected here on earth? What can you tel whether it was Gods pleasur that by this means onlie I should come to the knowledge of my kinswoman? Whom especiallie, before I knew her, I loued with a sincere and chaste loue, prouoked thereunto by an honest instinct of nature, and now by the will of God made manifest, to make you know that neither voluptuousnesse nor ambition induced me to loue her, but onlie the neerenesse of blood, which yet being vnkowne, might notwithstanding moue the hearts of men: being then not departed for anie such cause wherewith you wrongfullie accuse me; I say and doe maintain that not only I may, but I also ought to re-enter againe into mine order: yea and you might and ought to constraine me thereunto, seeing that the effect for the which I gaue it ouer hath not accordinglie succeeded: but since I see, chieffie by your slanderous reproches, that you are wholie bent against me, I appeale from your will to the censure of al the members of this order, without whom you cannot be Generall, were you a thousand times greater then you are.

Declamation. 31.

Of a Iudge who paied three thousand crowns to cause a murtherer to be hanged.



Certaine nation receaued one to be their prince, who maketh an oath, that he will maintaine them in all their priuiledges, rights, and customes: It happened that the iudge appointed by the same Prince would haue caused a murthe-

rer to be hanged : the kinsmen of the malefactor doe proue by their priuiledges, that he might redceme his life for three thousand crownes : the iudge caused him to be hanged, and paid him selfe three thousand crownes for hauing put him to death ; his kindred appeale vnto the Prince, and say :

Most mightie and iust Prince, the renowne of your equitie hath incited vs to become your most loiall, most louing, most humble, & most faithfull subiects, and to chuse you for our so- ueraigne Prince, and most redoubted lord : whereby this good is happened vnto vs, that we haue alwaies found in you such iustice and bountie as is requisite ; as also your Maiestie shall euer find in vs all dutifull obedience : but what shall we saie ? Seeing that this happinesse of your good meaning, is abused by the malice of your ministers, and especiallie by the chiefest, which is hee that ought to administer vnto vs iustice in your behalfe, and to haue a respect that wee maie bee maintained in our rights, priuiledges, and customes, according as it hath pleased your Maiestie to take your oath : but he which is our iudge hath had iustice in derision, and vnder the shaddow thereof hath committed cruelty, for hauing condemned one of our Citizens to die for a manslaughter, wee shewed him that which he ought not to be ignorant of, that is to saie, how our priuiledges doe permit that such a trespassse maie be satisfi- ed with the payment of three thousand crowns, applia- ble according to the ordināces in such cases prouided, whervpon he hath therby taken an occasion to put one of our Citizens to an ignominious death, to the great dishonor of all his linage, saieng that he shall be acqui- ted in paieng the said forfeit ; as if there were no diffe-

Of a Iudge who purchased the hanging

rence betwene the killing of a man in cold blood,
 through a certaine malice or contempt (especiallie in
 derision of iustice of the Commonwealth, and of the
 lawes and priuiledges therof, to cause one die shame-
 fullie and cruelly by the hands of an hangman) and the
 slaying of ones enemie, by whom a man is prouoked
 therevnto through some wrong, or other iust cause of
 malice. But wherein you vniust iudge had this our Citi-
 zen offended you? Seeing that you haue no part in the
 Commonwealth, but like an hired seruant in a house,
 you are to abide therein onelie the appointed time of
 your office, which is giuen vnto you not to abolish our
 priuiledges, but to maintaine them: all the other Citi-
 zens were more interessed in this fact then you, and ne-
 uethelesse you alone haue beene desirous of reuenge;
 trulie crueltie becommeth no man, but it is most odi-
 ous in Princes and Iudges, more then in anie others:
 seeing that our Prince is altogether free from this vice,
 ought not you to follow his example? Or at the least
 you ought not to haue erred from the same so reproch-
 fullie. If too sharpe and rigorous laws are made more
 to terrifie men then to destroie them, wherefore haue
 you rather desired to aggrauate our lawes then to per-
 forme them? Who hath made you more wise then our
 Ancestors, who haue inuented this priuiledge for the
 conseruation of the Citizens? Doe you not know that
 iustice without mercie is iniustice? How great crueltie
 is it then, to turne mercie into rigor? Most vniust is the
 sentence which preventeth iudgement, and such hath
 yours ben, for crueltie depriued you of all iudgement
 when you pronounced the same. Doe you not know
 that whilst you iudge other men, God iudgeth you?
 How would you doe then if hee should iudge you ac-
 cording

cording to your your deserts? But who hath mooued you to commit this new crueltie? Doe you not know that all innouation of laws & customes is no lesse dangerous then scandalous? To conclude, you haue offended the Prince in resisting of his oath, and wronged his subiects in breaking their priuiledges: both the one and the other offence deserueth death: wherevpon we beseech you (most righteous Prince) that he which hath contemned your authoritie, iustice, and our priuiledges, may bee punished, that all the Iudges hereafter may thereby take an example; Seeing that if our enemies had not giuen him the monie, he would neuer haue purchased at so great a charge, an vnlawful means to exercise his crueltie against your subiect, and our priuiledges.

The Answer.

IFanie law be vniust or pernicious, it is that which is not equall to all men; but how can that be equall which causeth the greatest malefactors to escape for monie? As this priuiledge doth allow, which imbolde-
neth the rich that ought to succour the poore, not only to wrong them, but also to murder them, because hee knoweth verie well that he shall be acquitted for monie, the which being paied, he afterwards committeth a thousand mischiefs to get that which he hath spent, into his purse againe: for what wickednesse will not such a one be bold to commit, that maketh no conscience to kill his equall? Or it may be such a one as is better then himselfe? But if the law or your priuiledge bee vniust, then haue not I offended: Or if I haue misdona, in paing the forfeiture I am acquitted. Why should he be
puni-

Of a iudge who purchased the hanging

punished which procureth the death of a malefactor;
 Seeing that hee which murthereth an innocent is quit
 for monie? Concerning the difference of cold blood,
 and to cause one to die by the hands of the hangman,
 that doth in no sort aggrauate the offence: for being an
 offender, he hath thereby had the better means to ac-
 knowledge his fault, and to craue pardon of God, espe-
 ciallie to dispose of his worldlie cares and familie; the
 which he gaue no leislure vnto the other to doe: and for
 the reproch, it consisteth not in the maner of the death,
 but in the cause of the death; For if anie man should
 be hanged for hauing done some good vnto his coun-
 trie, his death should neuerthelesse be accounted ho-
 nourable, but he which is hurtfull vnto the Common-
 wealth (although hee die in his bed amongst his kin-
 dred) yet should his death be accounted odious. It is
 not I then that am cause of his shame, but the murther
 which he hath committed. I confesse indeed that he
 neuer offended me, but rather iustice; so likewise I cau-
 sed him not to die, but to maintain equitie: and not be-
 ing able to doe it without disbursing of monie, I did
 rather chuse to pay it, then to leaue iustice vndone. I
 haue not infringed or broken your priuiledge, but one-
 lie shewed that it is vnlawfull, and that it ought to be a-
 mended. I cannot tell whether your ancestors were
 more wise then I, but I dare well say that they were
 rich men, who without the consent of the poore men,
 inuented this priuiledge: for there was neuer anie ty-
 rannie more manifest, which your selues ought to abo-
 lish, you being subiect to a most iust Prince: therefore I
 desired to admonish you thereof at mine owne proper
 costs and charges. Likewise I know that I am not the
 first which hath beene slandered for mine honest mea-
 ning,


ning, in desiring to change wicked customes into good; for *Solon* and *Licurgus* were not free from the like, and before them *Moises*, then *Socrates* who was put to death for no other cause. But considering that Iustice alone is the soueraigne of al other vertues, and ruleth all mortall wights, because that without her none can liue in safetie, especiallie seeing that without it the Commonwealth is like vnto a body which being corrupted with euill humors doth with lanquishing pine away, I haue neglected all other things, especiallie to maintaine the same; and you haue no cause to complaine on mee for setting as litle by my life as by my goods. Wherefore without answering anie further to your slanderous reproches, trusting vnto the equitie of the Prince, I doe freelie submit my goods, honour, and life vnto his most iust iudgement.

Declamation. 32.

Of those that would depose the King because he had lost the battaile.

I*t is the custome of a certaine people that the men of warre doe chuse the King. It happeneth that the said King doth lead his men vnto the warres, where all his souldiors are ouerthrowne, onely he with a verie small number escaped, so that the Citizens and people are constrained to take arms to defend them from the conquerors, and the better to performe the same, they would chuse another king: but the foresaid king resisteth them saying:*

As

 S there is but one onelie God in heauen, and one sunne to lighten the world, so likewise cannot you haue two kings ouer you, neither yet can you depose or change your king at your pleasure: for the power of kings commeth of God, which holdeth their hearts in his hand: how dare you then but onlie thinke such a wickednesse as to be desirous to change or depose him who is annointed and chosen of God to raigne ouer you? Did not *Dauid* put him to death which made his boast that he had slaine *Saule*? And although that *Dauid* were already annointed king of *Israell*, yet was king *Saule* not deposed vntill his death. You saie that I haue gouerned the warres ill, I denie it: for I went thether my selfe, and neither wanting valor nor skil, I did valiantlie fight to the great endangering of mine owne person. I haue not neglected my dutie in fighting, but God hath giuen the victorie to the enemies: wherefore would God haue preserved me from so great a danger, vnlesse it were to manifest the especiall care that he hath ouer kings, and that it were his pleasure that I should yet raigne ouer you? And not another? How dare you then imagine to change him whom he hath first giuen vnto you; and then afterwards so miraculousslie preserved? If you stand in doubt whether I deserue the dignitie or not, the electiue voices of so manie valiant men, which haue onlie iudged me aboue all the rest of this realme for the worthiest to be your king, ought to assure you thereof: but as hope dooth torment mens hearts no lesse then feare and other passions, so some of you hoping to attaine vnto the kinglie dignitie, haue not the patience to stay vntill it be void by my death whereby
it

it plainlie appeareth, that couetousnesse neuer iudgeth anie thing to be vnlawfull: the people haue nothing to doe to depose their king, but God by depriuing him of life, who by his grace, and for your good, hath been pleased to saue me: will you then contradict his will? But although I had for want of skill beene the cause of our losse, will you saie that you must needs chuse another, that maie doe as much or worse? He which hath once done amisse, may when he beginneth again make amends, but thanks be to God as I want not experience, so haue I not failed to doe that which was requisite, but it may be it was our sinnes that haue prouoked Gods wrath against vs, who by our contrition and amendment of life is first to be appeased, then he being mercifull vnto vs, we shall not onlie be reuenged of our enemies, but he will also giue vs power to subdue those that would oppresse vs: yet that this shall be done vnder any other thē I, whilst I liue, I hope that good God will neuer suffer it, seeing that to determine but such a matter were to heape sin vpon sin.

The Answer.

WE doe neither require two kings, neither doe we desire to change our king, for we haue none: who made you king ouer vs? are not they dead that chose you for their king? You are then king ouer the dead: Wherefore reason would that you should be sent vnto them. When you were chosen we were Citizens, now through your fault we are constrained to be souldiors. It is the ancient custome that the men of war doe chuse the king, we wil then chuse one; Seeing that your selfe are the cause that we haue chaunged

ged our qualitie; what reason is there that you should remaine in yours? Concerning the example of *David* and *Saule*, it nothing concerneth our matter: for the greatest parte of euerie action consisteth in the time and place; therefore it must be considered, that as our time now, is not the like vnto the time then, so also that we are here, and not in Palestine. Moreouer, we haue nomore Prophets to annoint the kings, because God for our sinnes dooth no more elect kings by miracle: wherefore it commonlie happeneth, that the most wicked man attaineth to that dignitie, and chieflie when the election remaineth in the power of the souldiours: for sildome is there found anie equitie amongst those that follow the wars, so that our miserie is lamentable, seeing that your ambitious rashnesse compelleth vs of Citizens to become souldiours. We know well (to our great prejudice) that you your selfe did goe vnto the wars; but of your industrie, valor, and dutie, no man beareth witnesse except your selfe: but the widdowes and orphants of those whom you haue led vnto the slaughter, with a far greater number, can witnesse the contrarie: and they doe affirme, that you had great wrong to escape, because so manie valiant men are lost through your default, the which is more punishable then excusable. To saie likewise that God hath preserved you by some his especiall providence, it may verie well be: because he would send you back hether to receiue punishment for your rashnesse, by that spectacle somewhat to comfort the multitude of those whom you haue made miserable: neither did the electiue voice of the souldiours chuse you as the best man of the land, but as he that was most conformable to their desire, and that would giue them the most libertie to doe ill; for so were

were *Otho, Galba, Vitellius*, and other harebrain men chosen by the souldiors for Emperors. As for ambition and couetousnesse, wherewith you accuse vs by presumption, you doe euidentlie shew, that it remaineth in you. In saieng also that he which hath once done amisse becommeth afterwards more expert: the same is doubtfull, for euen in his first fault he sheweth that he wanteth iudgement, and no man ought to presume to make himselfe cunning by the preiudice of so manie others, and with no lesse then the hazard of a whole realme. In euerie action it is odious to erre, but in the warres it is most hurtfull, so that to doe amisse therein but one time onlie, is far too much. We doe not depose you at all, for henceforth you are king no more, neither yet ought you to bee anie thing if wee should iustlie proceed against you, but we refer that vnto the discretion of the king which shall be chosen. As concerning contrition and good works to make satisfaction for our sinnes, it cannot chuse but be a good deed to root out him from amongst vs which is the cause of our mischief. To affirme that God will neuer suffer vs to obtain the victorie vnder anie other but you: You onlie saie it, and the opinion of all the wisest is quite contrarie, wherefore it is best to follow the opinion of manie which haue not as yet erred, then the iudgement of one onlie man, which hath brought vs into this miserie wherein wee now remaine through his fault.

Declamation. 33.

Of the Athenians who denied to pay vnto the Thebans that which they ought.

The

He Athenians did owe sixe hundred thousand talents of pure siluer vnto the Thebans. It chanced that Alexander did by force of Armes take the cittie of Thebes, and amongst other riches hee found the Athenians obligation, (where-with to gratifie the said debtors) he restored it vnto them: but after the death of Alexander, the Thebans demanded the said summe of the Athenians, who answered, That seeing they had recouered their obligation, they were not in anie sort indebted vnto them; with these reasons hereafter ensuing.

You saie worthie Thebans that wee doe owe you sixe hundred thousand talents, the prooffe thereof is verie hard, seeing that it is well knowne of old, that you neuer lent anie such summes without good assurance, and taking sufficient bands of the debtors: shew vs then if you haue anie bond of ours, and then we shall thinke vpon the meanes to satisfie it. You saie we had one; but Alexander tooke it from vs, and restored it to you: if it be so, consider what he was that took it from you, and redeliuered it vnto vs, was it not Alexander lent from the gods, not onlie to subdue you and vs, but almost al the world? At that time, were not your goods onlie in his power, but also your liues? Do you greeue that a part is lacking, seeing that the whole might as well haue ben lost? Doe you not know that he came to leaue you what he thought good, and to take from you that which he knew to bee superfluous? Seeing that superfluitie is not onelie troublesome and painefull, but also hurtfull: for incising the hearts of
such

such as possesse it vnto pride and insolencie, it is oftentimes the cause of their miserie: in like sort such is the iudgement of the gods, that they which haue flocked together to afflict manie, should afterwards be afflicted themselves by one alone, and all that which they haue in manie yeares purloined from others, should afterwards in one daie be takē away from them by the same man: in like manner hath it befallen you noble Thebans euen as you saie: *Alexander* hath taken away our obligation from you, to restore it to vs, it is the will of the gods, who in proceffe of time haue wrought such alterations, wherfore it may so fall out in time to come, that you (owing vnto vs so much siluer) or more, you may likewise paie vs after the same sort. That wee are quit from you it cannot be denied, seeing that you haue no bond of ours: for to what end are bonds made but to compell such as will not paie? Constraine vs then by our obligation to paie you, or cease from demanding anie thing of vs: but although it were so as you saie, that *Alexander* had yeelded vp our obligation, what doe you know whether wee haue paid it vnto him; Who then was Lord not onlie of your gooods, but also of your liues? If we haue paid it him, why should we paie it againe? And if he haue liberallie bestowed it vpon vs, We haue both thanked him, and are also yet beholding vnto his posteritie, yea, vnto his ashes for the same, why would you, or how can you the bind vs twice for one onlie debt? That cannot be don Thebans, wherfore it shall bee but well that you surceasse to importune vs anie further: considering that those which wearie others, take small rest themselves, and especiallie, that labour is lost which profiteth nothing at all; as yours hath been and alwaies wil be concerning

cerning this matter, and although you take herein what course you shall thinke most expedient, yet you must beleene that wee are able to yeeld you a reason for anie thing that you shall demand at our hand : but see that you remember this ; that he which desireth to molest another, doth oftentimes worke his owne ouerthrow.

The Answer.

Here is nothing more true (you ingratefull Athenians) then our speech, when we saie that you doe owe vs fixe hundred thousand talents; and that it is so, the prosperitie wherein we haue placed you, and the miserie wherein you were, are two witnesses verie sufficient to prooue our reason and your ingratitude : which truelie is a pernicious vice, but in the end more hurtfull vnto those that vse it then vnto anie other, wherefore it is a follie in you to looke for anie aduancement thereby : but although it were not so, what prooffe would you haue more plaine then your owne conscience, if you would beleene that which is able to testifie vnto you? And thinke not but that the same obligation which *Alexander* hath restored vnto you will bee a witnesse against you; Yea and to bring a greater mischiese vpon you being in your hands then when it was in ours : for seeing that it was possible for vs to lose that which we had gained iustlie, what thinke you will become of that which you doe detaine and possesse wrongfullie? Assure you that this iniquitie will bring you vnto an extreame necessitie, more great then that from which wee haue freed you by our courtesie : lending you that which you now doe wickedlie denie vs. As for *Alexander*, hee had no
power

power ouer vs when we lent you the siluer, therefore he could in no sort acquite you thereof. If then the fire by mischance had burned your bond, or if a theefe hauing stolen it, should haue restored it vnto you, should you for all that bee freed of the debt? It seemeth no; Make account that there is no other difference betwixt a theefe and *Alexander*, but onelie that the one stealeth by subtiltie, and the other by force: as that Pirate whom hee had taken said vnto the same *Alexander*, Because (saith hee) that I haue but one ship, I am called a theefe, but because thou art able to steale more then I, thou art called a king. But while are you not ashamed to bee beholding for a shrewd turne vnto one, whose father and he haue been alwaies mortall enemies to the libertie of Greece? take example by the gaine which he hath made, after so manie extortions. Is not he miserablie dead, by the means of his most familiar friends? And those were his heires which were not so much as anie thing a kinne vnto him; who did spend his treasure and goods in destroieng one another: the which should make you wise, O you Athenians, and cause you to surceasse this follie, to saie that you are quit, hauing receiued your bond from one, who hath taken it from vs by force; and who for this deed and other such like, did shamefullie die as he deserved: moreouer, it is not likelie that he was sent from the gods to subdue vs, but true it is that by their permission wee were by him vniustlie tyrannised ouer, and for our sinnes hee was as a scourge of the Gods, but their anger ceasing, hee perished also. But who did euer see that a debtor ought to bee the iudge of his creditors actions, as you would bee of ours? Seeing that you are vterlie blinded with passion: for whilst you accuse vs of pride, and couetousnes, you

Of a debt betweene the Athenians

doe not consider that your selues are guiltie of treason and theft: because you haue cleaued vnto the capitall enemie of Greece; and for the same cause you will detain from vs that which we did lend vnto you in your greatest need: concerning that which you speake of Time, as being the minister of the gods, it maie bee the same gods of whom you speake in mockerie, will so bring it to passe, as time shall compell you shortly, not onlie to satisfie vs, but also to become more miserable then euer you were, when you shall intreat for our aid, the which now you doe ingratefullie forget. In like sort you must not alleage that you haue paid your obligation vnto *Alexander*, for wee know verie well that you neuer had lesse means to doe it then at that time, and although you should trulie haue paid it, yet were it of no import, nor anie satisfaction vnto vs: for you neither ought it vnto him, nor had hee anie lettet of attorney from vs to receiue it; hee might then verie well deliuer you your obligation, but yet he could not forgiue you the debt whereunto he had no right at all: determine then you Athenians to satisfie vs by faire means, if you will not haue vs to imploie both our owne and our friends forces, together with the helpe of the gods the iust iudges of your iniquities.

Declamation. 34.

Of him that is in trouble for accusing a man of crime, for which he is committed to prison, and there dieth.



Man accuseth another for an offence, the partie accused dieth in prison whilest the informations are in making, the accuser cannot sufficiently prooue his accusation. Whereupon the kindred of the accused doe require to haue the accuser punished with such punishment as the crime deserved, wherewith he accused the other. And they say:

TRulie the weakenesse of man is such, as euerie one esteemeth his owne miserie more great, and lamentable then he doth another mans: but what is he which can saie that we passe the bounds of reason, when we saie that this our kinsman deceased, is worthis to be greatlie lamented; And that he which is the cause of his death deserueth most seuerer punishment? seeing that he hath not onlie abridged his daies, but that which is worse, hath endeouored to cause him to die most shamefullie; especiallie to the great preiudice of his poore familie, and all his lineage: and his purpose hath not failed in anie sort, seeing that the poore man is dead in prison, although he neuer once deserved to come into the same. And it is not to be thought a smal matter to imprison a man, seeing that in Athens those which died in prison could neuer be buried in the sepulchre of their ancestors: as if they would thereby inferre, that they which dièd in such a place, might stain the tombes of those that died with honor and reputation of vertue: and the same custome is yet vsed in sundrie most famous citties, as amongst others at Paris, the chiefe cittie of France, where they doe obserue this law, that he which but for debt onlie passeth the wicket of a prison, shall neuer after be capable of anie office or

A man accused vpon a surmise, dieth

other publicke promotion : how much more then for suspicion of crime? There is nothing more apparent, then that this poore man seeing himselfe in such disgrace, died euen for verie greefe, & the wicked wretch that hath accused him is yet living in health : but let vs see what likelihood there is in his accusation, seeing that yet after the death of the accused he cannot proue his saing? I maie therefore now saie, that he could not be suffered to alleage anie reasons for his own defence neither might take anie acceptions against the witnesses, nor yet be allowed openlie to prooue his innocencie, but with the least suspicion that might be he should haue ben constrained to abide the sentence of condemnation. Be you assured, O you righteous Iudges, That this accusation proceedeth by the instigation of diuers malicious persons, who if need had ben would likewise haue serued for witnesses against him : but their malice or ill will ending by the death of this miserable man, they doe also forsake this vngracious fellow in his greatest need. Such is the iust iudgement of God that the wicked doe oftentimes perish euen by their owne wickednesse : but for all that, their offence is not anie whit diminished, neither is this poore dead man alone, but his distressed widdow, children, and all his kindred (vnto whom he was a true friend) anie iot the lesse harmed : wherefore it maie well be said that this lewd forger of vntroths, hath murdered both this man here, and ouerthrowne the others: yea and some are yet likelie to die for want of his life that now is dead : I meane the poore children, and the miserable widdow. Then what gibet, what sword, what halter, what wheele, or what torments are sufficient to punish thorowlie this execrable wretch, which is the cause of so manie mischiefs?

chictes? For first he hath gone about to prosecute his death, and next he hath indeuoured to defame him: alas he is dead, and reputed for infamous by those which haue heard his accusation, and not afterwards knowne his innocencie: but manie seeing him no more, will yet thinke that there was fauour shewed him in causing him to die in prison as a malefactor, vnlesse this abominable fellow as a publicke spectacle, doe not possesse the same place whereunto he pretended by his false accusation to bring the innocent: consider then you iust Iudges as well the miserie of the dead and his allies, as the execrable iniquitie of the false accuser, and doe you gaine as much fauor at the hands of God, and praise in the world by your iust iudgement, as he hath gotten sin and infamie by his wickednesse.

The Answer of the accuser.

Here is nothing more true then that I haue iustlie accused him, whom I know not by what death he is deprived of that due punishment which he deserued, wherefore the Proverb may be trulie verified by him, which saith, That the gallows is not so much made for the theeues as for the vnfortunate; for if he had not ben dead, the witnesses of his iniquitie would haue proceeded as they ought, who as mine aduersaries saie, doe forsake me in my need: yet not for those reasons which they alleage, but because they are corrupted as well by the bribes of the widdow and kindred of the malefactor, as also by the importunate requests and threats of others more mightie then they: for such is the miserie of our age, that men are now more easie to bee corrupted then euer they were:

moreouer, I cannot but suspect that his kindred fearing least the truth should come to light, haue poisoned him in prison, yea and it maie be by his owne consent; doubting that although all the witnessses might be verie well corrupted, yet if I my selfe would haue ben bound vnto the racke against him, to haue prooued to his face that my accusation was most true. I was not then the cause either of his imprisonment, his discredit, nor yet of his death; but his offence was the occasion of all: yea and by his death he hath deprived me of the means to prooue the same, thereby to bring my reputation in question: and that it is so, if anie of these stout fellowes my aduersaries (who now thinke to face me out at their pleasure) will maintaine the innocencie of their dead kinsman against me vpon the racke, I will not onelie there aduenture my credite, but also my life: the like will I also doe against the proudest of those witnessses, who being corrupted with bribes are become dumbe. But let anie one shew me some reason whie I should accuse him wrongfullie; seeing that twixt him and mee there was neuer anie malice, quarrel, or other occasion: whereby it may clearelie appeare, that the true and onelie zeale of iustice inforced me to accuse him, for otherwise I had no reason to procure so manie, and so mightie enemies against me. To conclude, by the foresaid reasons it maie appeare, whether he himselfe hath not ben the cause of his owne mischief: therefore none but himselfe deserueth to be blamed or harmed for it.

Declamation. 35.

Of the sonne of a bondwoman which would disinherit his brother.

The



He law of bondmen or slaues is yet in Spain, that those which haue bought them (be they Christians or no, they may kill them) or make them doe what they will. Whereupon it chanced that a man bought a maiden slaue, and hauing lien with her, shee bare him a sonne: some few daies after shee died; wherefore the foresaid man bought another bondwoman to nurse vp his sonne, and he did so much also with her, that shee likewise brought him forth another sonne; shee liued with him and ruled his house, till that the children were great, and that the father happened to die, who by his Will appointed that the eldest brother should part the goods, and the yoongest should chuse. He made no mention at all of the woman, so that she still remained a slaue: and the eldest sonne tooke occasion thereby to defraud his brother of his inheritance or pretended patrimony: for to make his partition, he placed the mother of his brother on the one side, and the goods on the other, saying, chuse take thy mother and leaue me the rest of the goods, or take the goods and leaue me thy mother: the other seeing this extremitie would not chuse, but accused his brother of deceit or punishable consenage, saying:

THe law commandeth, and the Will appointeth, that thou oughtest to part, and I ought to chuse; but thou neither hast parted, nor yet can I chuse, for the dutie and loue which I beare vnto my mother, compelleth me not to leaue her, and especiallie at the discretion of so wicked a man as thou art, seeing that thou inforcest me to three extreames, the one is to forsake my mother, or to disherit my brother, or lastlie to compell mee and my mother to liue continuallie in pouertie. Great is thy malice to inforce mee to become

as wicked as thou art; callest thou this a partition, to place all the care on the one side, and all the goods on the other? My mother is growne old in the keeping and increasing those goods which thou wouldst vſurpe, and now being weake and vnprofitable, thou wouldſt haue her to die for hunger with me, or els that ſhe ſhould abide in extreame miſerie at thy diſcretion: doeſt not thou know that thou art the ſonne of a bondwoman as well as I? Yea, and that thy mother neuer got thee anie good toward houſhold? but my mother gaue thee ſuck, and nurſed thee, what ingratitude can then bee more great then thine? Make ſuch a partition at the leaſt as I maie remaine without blame in the chuſing, and yet not quite without liuing. If deceit or puniſhable counſe- nage is diſtinguiſhed by taking from any mā that which is his, then thou doeſt worſe, for thou not onlie leaueſt me nothing, but thou increaſeſt my miſerie: this is not the firſt time wherein the deceiuers doe ſecke to cloake or coulour their deceits with ſome law or ſtatute, vn- hap- pilye wreſted, but I hope that the Iudges will haue a re- ſpect vnto my integritie, and reprocue thy deteſtable iniquitie.

The Anſwere.

Hauē parted better then thou canſt chuſe, wherefore there is no abuſe in the partition, but in the election; For on the one ſide, I doe ſet thee riches, and on the other ſide immortal ho- nor, for louing thy mother beſt, which ſhall ſerue for an eternall memorie and glory. How manie are there that would buy ſuch a felicitie with the price of their liues? As *Curius*; who for the good of the Commonwealth leaped

leaped headlong into a burning gulfe: *Scuola* burned his hand because he missed the killing of *Porcenna*. *Horatius* fought alone against the whole armie of the *Tuscans*, and defended the bridge which he caused to bee broken downe behind his backe, *Hercules* and *Alexander* fought for glorie, not onlie against men, but also with lions and other beasts, why wilt not thou then gain this glorie, when thou maist obtaine it without anie danger of thy person. Lastlie, seeing that profit and honor cannot goe together, and that thou shunnest honor, leaue it to me, and take thou the profit. I had rather haue the renounce to loue my stepmother better then thou dost thine owne mother; then to haue all the goods in the world: moreouer, he carrieth away no small portion of the patrimonie, which shall haue her who hath long time gouerned the whole as thou confessest: I am of the mind that our father left her still a bondwoman, to the end that thou shouldst haue no other thing but her, or at the least that by the same it might bee knowne which of vs is most worthie. I doe not say that I will not giue any other thing vnto thee, but I would first see if thou deseruest it, and that thou mightest also acknowledge my liberalitie: but as for the Iudges they are too righteous to force the laws, and to alter the last Will of our father.

Declamation. 36.

Of Simon who put himselfe into prison to redeem his father thence being dead, afterwards how he slew his wife being daughter vnto him that had made him his heire, and paid his debt.

The



He law saith, that if anie man take his wife in adulterie, hee may kill them both and not offend the law. Whereupon it chanced that a noble Senator named Milciades a man of honest reputation, was through malice accused for some offence, and condemned to a great fine of monie, so as not hauing wherewith to pay the same, hee was imprisoned and there dieth: and because the law commanded that those which died in prison should not be buried els where but in the same prison, vnlesse anie man paid his debts: Simon the sonne of the deceased Milciades, yeelded himselfe a prisoner in his fathers place, to the end that hee might bee buried with his ancestors. Hee remaining in that sort a prisoner without anie means or hope euer to come forth, one named Callias a man verie rich, but of bad reputation, offered to pay his debt, and to make him his heire if he would take his only daughter in marriage; Simon consented therunto, he was deliuered, and married with the daughter of Callias: within a while after hee tooke her in adulterie, he therefore causeth Callias to be called, who intreateth for his daughter that could not denie her fault. Simon slew her in the presence of Callias, who afterwards accused him of ingratitude, which amongst the Athenians was a punishable vice.

The accusation of Callias.

I Had made thee double bounden vnto me, therefore is thy ingratitude the more manifest; I did redeeme thee from prison, where thou shouldest haue rotted; and being poore; I made thee both my sonne in law, and mine heire: I do affirme, that thou hast induced thy wife

thy wife to commit adulterie, that therby thou mightst haue an occasion to kill her, wherefore thou hast not kept her as thou oughtest, and thou hast not onlie suffered her to fall from her former manners vnto vice, but thou hast likewise furthered her therein, and when occasion serued, thou hast not failed to rid thy selfe from her to our great preiudice and dishonor: and thou hast further showne thy crueltie in calling to the father to behold the slaughter of his daughter, to the end that he might alwaies carrie this greete, that he had been both an eie witnesse of her milerie, and that he was reiected or refused of his request by him whom he had succored and redeemed from extreame miserie, before he was therevnto intreated: and neuerthelesse being ashamed to bee sonne in law vnto the man that had so greatlie bounden thee vnto him, hast caused the bodie, & soule, and renoune of his daughter to be lost; if then one alone ingratitude is punishable, what punishment shall be worthie for thy infinit vnthankfulnesse ioined with an extreame crueltie.

Simons Answer.

THe shame of thy daughters adulterie was more ircksome vnto me then anie prison, wherefore I haue likewise vsed that instrument which hath by the law beene giuen vnto me, not for anie desire that I had to displease thee, to rid me from thy kindred, or to kill thy daughter, but to reuenge her shamelesse immodestie, & to diminish my discredit. If thou hast released me from prison to the end that I should be base minded, thou hast lost thy monie, because thou diddest not aduise me thereof before hand, for I should surely haue
told.

Of Simon who put himselfe into prison to
 told thee that as a noble heart could neuer be changed,
 so also could it neuer endure a reproch: alasse the difference
 betwixt my fathers disgrace and mine is, that his
 ended in comming dead out of prison, and mine but
 began in comming alieue forth of the same. *Milciades*
 hath had the onlie honour in the Common-wealth to
 haue beene redeemed being dead by his sonne liuing,
 who afterwards being redeemed alieue by another, to
 his great misfortune, was constrained to displease his
 redeemer, because he required an vnlawfull matter. I
 will neuer be vnthankfull when thou shalt request a
 good turne as honest as that which I haue receiued of
 thee, but thou intreatest me to let the adulterers escape;
 what could I do more if I had had my hands yet bound
 fast in prison, where at the least the dishonour should
 neuer haue ben imputed vnto me. Wouldst thou then
 thinke to keepe me so bound, as I should be thereby hin-
 dered from doing but my dutie? Both of vs in doing
 a good turne, haue receiued a farre greater; I in taking
 my father forth of prison dead, and thou in fetching
 me forth alieue, for the same hath beene vnto vs a great
 honour, and it would not bee lawfull for vs to suffer a-
 dulters, without the losse of that honor which we haue
 gotten: moreouer, it behoueth him that hath ben a true
 and a faithfull sonne vnto his father, to haue the like
 children; my father was trulie worthie to haue such a
 sonne as I was, so also was I not vnworthie to haue the
 like, which I could neuer haue had by thy daughter for
 whom thou hast bought me. Thou saist I haue brought
 thee forth of prison, I answer that I willinglie put my
 selfe therein, and I will neuer belecue that euer I got so
 great credit by being redeemed from thence by thee, as
 I haue gained honour by entring therein for my father,
 of

of mine owne accord : I dare say that thou diddest neuer redeeme me thence for mine owne sake, but onely to honour thee and thy daughter, double vnworthy of so great honor, which was the cause also that she could not long continue in the same, wherein I desired not to imitate her: likewise I can neither be reprooued, condemned, nor punished, hauing done nothing against the law. That is a good turne or a fauour which tendeth onlie to the profit of him that receiueth it; but when he that doth it, looketh also for some commoditie thereby, the fauour loseth both his force and name: euen so is thine, so that I am in no sort beholding vnto thee, and so consequentlie thou canst not twit me with ingratitude. If *Virginius* slew his daughter because hee would not see her forced to bee vnchast, what oughtest thou to do vnto thine, who had neuer anie desire to be chast at all.

Declamation. 37.

Of him who is forsaken of his father for relieuing his ounge, who also doth afterwards forsake him for succouring his father.



Two brethren are enemies; the one hath a sonne, the other hath no children, neuerthelesse by misfortune he becommeth poore, his nephew taketh his fathers goods secretly, and releiueth his ounge therewith, the father perceiueth it, and forbiddeth him to doe so any more, yet he ceassing not from relieuing him, his father disheriteth him, and driues him out of his house, he goeth vnto his poore ounge, who adopteth him for his son,

Of him who is forsaken of his father for

son, and at the last changing by succession to be wealthie, he maketh him his heire. In the mean season the other brother falleth likewise into pouertie, wherupon his sanne doth secretly sustaine him with his ouncles or his adopted fathers goods, who likewise forbiddeth him, and lastly driueth him away and disheriteth him for the same cause, wherevnto the nephew opposeth him, saying:

YOU cannot disherit me for the same reason which hath induced you to adopt me, for if it were well done to sustaine you, it is yet a better deed to succour my father. Charitie is commendable towards all men, wherefore then would you alone vsurpe it? the more miserable that a man is, the more requisite it is to be charitable vnto him, how much more then vnto him that is inforced to hope, and expect for releefe at his enemies house, by the meanes of such a one whom he hath driuen from him. You say that heretofore he forsooke me. I answere that the example of another man his vice, is no excuse but a great error: do you not know that euerie prosperitie is vncertaine? What is he that hauing seene *Marius* lying by the sea side vpon the reeds, would euer haue beleueed that he had ben Confull of Rome, or that euer he should so be again? What? doe you thinke that he which is most happie, need not to stand in doubt, and that he neuer may hope to be vnfortunate? Your selfe serues for an example of the contrarie: consider then that he which beggeth reliefe of you is your brother, which hath craued of his brother, receiueth it by the hands of his sonne, which is he that taketh naught of yours, but of the inheritance which you haue alreadie giuen vnto him; it is your nephew or adopted sonne which giueth, because he will not suffer
his

his owne father to perish with hunger, and by that means be adiudged vnworthie of your adoption. I doe not ouerthrow you, but I feed one onlie old man, and I am vnto you in steed of manie seruants. All the world should perish if wrath were not by mercie appeased. I am the onelic sonne which is alwaies tossed betweene two fathers, and still forsaken of the richest, but I take God to witnesse, that leauing you rich, I will depart vnto the doores of another, shewing vnto euery one him, for whom you disherit me; although I cannot be disherited, for hauing done that whereunto the law both bound me and also constrained me, what a matter were it if you should forbid me to weepe when I see a man in miserie? Our affections are not in our owne power. Manie lawes and customes vnwritten, are farre more certaine then those which are, of which the law of nature is most infallible.

The Answer.

All that which thou hast alleaged is rather a boasting, then anie acquitall or excuse. Touching my feare it is iust, for I ought not to take such a one for mine heire which is vnthankful, or rather mine enemy, wherefore I doe forsake thee, for although thou bearest no mallice vnto him that hath done me wrong, yet doe I hate him that hath done thee iniurie; so great was my affection towards thee: thou wert no more his sonne being not onlie forsaken of him; but also adopted by me, it was of me that he should haue craued, not of thee. What art thou that wilt appoint a law vnto thine ounce, thy supposed father, and thy benefactor? we haue not remitted our controuersie vnto thy iudgement,

Of the Elians, who cut off the hands
ment, for we haue God, the lawes, and the Magistrates
for iudges.

Declamation. 38.

*Of the Elians who did cut off the hands of Phidias,
after he had made the Image of Iupiter Olympus.*

THe law amongst the Grecians was, that
whosoever committed any sacriledge,
should haue his hands cut off: Whereup-
on it happened that the Elians required
and intreated the Athenians to lend
vnto them Phidias their grauer or car-
uer of Images, a man most excellent in
that art: whom they did lend vnto the said Elians to make an
image of Iupiter Olympus, vpon a condition that they should
restore Phidias againe vnto them, or one hundred talents
(which are threescore thousand crownes) for him: the image
being made, the Elians doe pay Phidias his wages, and after-
wards affirming that he hath stolen gold forth of the temple,
they cut off both his hands, it may be through malice, because
he should neuer make anie image so faire againe, and so they
send him so maimed home againe vnto Athens, saying that
they are quit of their promise; but the Athenians demand the
hundred talents, and say:

WE can no more bee serued by Phidias in anie
sort, for he was onlie able to manifest his wor-
thinesse, so long as one might see his workes:
when he went vnto you he had hands, whereby hee
made the Image of Iupiter, it is you that haue commit-
ted.

ted sacriledge in cutting off his holie hands, your god was the first that did behold the innocent blood of this workman, wherefore he shall be a witnesse against you all: alas! poore *Phidias* some men are releued by their cunning and skill in their miseries, but they haue beene the causers of thy miserie. Doe you thinke that we doe account him to bee receiued being without hands, whom you did require of vs because of his hands? We hauing lent you such a one as could make gods, you do restore vs such a one as is not able onlie to worship the; Are you not ashamed to offend Iupiter with such sacriledge? It is the man indeed: but the workman is lost, you doe not restore *Phidias* at all, but a continual grieffe, and a desire to haue him, a greefe to haue him as hee is, and a desire to haue him as he was; his hands which were woont to make the gods, cannot now bee held vp to intreat men. Alacke Iupiter was so rare a peece of worke, as the Elians were desirous it should be the last, to the end that they might gaine that glorie to haue the last and chiefest worke that euer *Phidias* made: wee lent you the hands, we require the hands againe. You make your selues accusers, witnesses, and iudges, whereby your falshood is knowne, for it is not like to be true that he (who neither was couetous nor tooke pleasure in anie thing but in his art, wherewith hee gained more then he would) should be a theefe: moreover, he which made the gods would haue disdained to steale that which was hallowed vnto them, wherefore we do call those gods which *Phidias* hath made, and those whome he might yet haue made, against you; vnlesse you satisfie the contract: for we will confesse that we haue receiued *Phidias*, if anie do sweare that we may be serued by him, and you cannot denie but that you haue deceiued vs.

Of the Elians, who cut off the hands
but assure you, that we will be reuenged of you there-
fore.

The Answer.

WE had gold, iuorie, and other holie things
wherwith we deternined that *Phidias* should
haue made vs diuers other Images, for the
which cause we did well reward him for the first: we
did request him of you, to the end that the gods might
be serued by him, and not to be robbed by him; but see-
ing the contrarie, wee haue iudged that it is no lesse fit
to reuenge the wrongs done vnto the gods, then it is to
pay their seruices. Wee are not the cause that *Phidias*
hath lost his hands, but it is his offence, and the law: re-
quire of them then your amends, or els complaine of
them and not of vs, who haue in all thinges done what
we ought, or if you will vexe vs wrongfullie for *Phidi-*
as, we will call vpon those gods whom hee hath offen-
ded to helpe vs, hoping by their aid to destroy those
which would hurt vs.

Declamation. 39.

*Of the son that defended his mothers cause, who be-
ing distraught, did wrongfully accuse her selfe to
be guilty of sacrilodge.*



*He law saith, that whosoener doth voluntarilie
confesse to haue offended the law, without anie
other witnesse is worthie of punishment. Wher-
upon it chanced that a certaine woman (ha-
uing in one day lost her husband and two of her
sonnes*

sonnes by some violent death) did fall into such dispaire therefore, that she hanged her selfe, but her third sonne happened to come before she was throughly strangled, who cut the rope asunder, and after he had gotten her to life againe, hee carried her vnto the Temple, so the end that the respect of a place so holy, might keepe her from doing her selfe any hurt, then he went forth to buy some sustenance to comfort her. In the meane season it happened that the officer came in there to search for church robbers, this woman being desperate, confessed that she had robbed the Temple, whereupon the Magistrate according to the law would haue her punished, but the sonne in the meane time happened to come, who gainesaid it thus.

That which is fallen out in our house, ought to protect my mother being cōdemned here, wherefore I knowing the matter, it is lawfull for me to examine her my selfe of the offence in your presence, which she wrongfullie taketh vpon her: moreouer, it ought to bee considered, that the law saith, that those which confesse a crime, shall be condemned. Now to confesse, is to aduouch the accusation for feare of the racke or other tortures, but to accuse her selfe, is not onlie a doubtfull confession, but a sure, euident, and most manifest desperation: and that it is so, it must be known of her how, and when shee committed this sacriledge? Or where she hath bestowed that which she stole? Trulie she cannot prooue her saying, but she thinketh that she committeth sacriledge in suruiuing after the violent death of her husband and children, and no other crime can be found in her; wherefore in her own opinion her saying is true, but by the law she is not punishable, seeing that if I had not ben, she had been dead alreadie by her owne hands. It behooueth me to beseech the iudges

Of a son that defended his distraughted

gesto be mercifull to the offenders, but I had need not onlie to intreat, but also to compell my mother to take pittie vpon her selfe; what need you to doubt if a woman overcome with sorrow desireth death, when a number with ouer exceeding ioy haue died suddainly? Whereby it plainelie appeareth, what weakenesse remaineth in the female sex, who therefore are not to be beleeued, nor receiued for witnesses. But tell me good mother? Why doe you not beare your losse patiently, seeing that you see the gods themselues doe lose that which is consecrated vnto them in their Temple: Alas worthie iudges, you doe well know that the afflicted doe more feare, honour, and reuerence the gods, then those that are in prosperitie. How then should this woman, more wofull then any other, presume to offend them with sacriledge? What need hath she of riches, that desireth to liue no longer? Neither hath anie children to leaue them vnto, but me, who would redeeme my father and brethren from death with those which I haue yet of mine own, me I say, who haue and do loue my mothers life better then her wealth. Alasse no want of riches, but want of heires to possesse them is cause of her miserie. You may say that she being angry against the gods for her losse, & desirous to be reuenged, hath committed this sacriledge, there is nothing more vnlikelic, for her courage is abated with griefe, and she attributeth her mishap vnto her selfe, and not vnto the gods, neither is it the least mischief that fortune doth vnto vs, when being our greatest enemy, she doth not onlie make vs miserable, but also superstitious, in such sort then we beare the greatest reuerence not vnto the gods alone, but chieflie vnto inconstant fortune; all this is prooued by her, because she had rather hurt her selfe, then

then offend the gods, but if otherwise it were, far more easie had it ben for her to haue burned the Temple, the to haue stollen the treasure locked vp vnder so manie keies, wherefore you ought to waigh al the circumstances together, and to be verie carefull that the law and the penaltie thereof, which serueth for a terror vnto the wicked and malefactors, bee not inflicted vpon the innocent. For he committeth a greater offence which punisheth the innocent, then he doth that pardoneth the malefactor.

The Iudge answereth.

THere was neuer anie sacriledge that could be hidden, for euerie tongue, and especiallie the malefactors owne tounge is readie to reueale it, as by this woman it appeareth that accuseth her selfe, prouoked thervnto by the wrath of the gods, who for her offence doe pursue her: wherefore it is reason that I appoint her to be punished, vpon whom the gods disdaine to shew their miracle in consuming her with lightening, as if she were vnworthie to die by the hands of any god, but they all together doe pursue, and driue her to worke her owne confusion by a most shamefull death, the which by her being perceiued, she rather desired to die by her owne hands, but they haue not suffered her, to the end that the wrong done vnto their Deitie, might be publickly reuenged, and that she might serue for an example vnto all the world, so that thou wert sent by them to cut the cord asunder: but dost thou thinke that a church robber may die anie other way then by iustice? She hath done as much as in her lay, to conceal and not to confesse her offence, yea, and that by the

O. iiii making

Of a son that defended his distraughted

making of her selfe away, yet she could not, but in spight of her, she was constrained to be her owne accuser, and to require her deserued punishment, which is no small miracle. Therefore if thou desirest to know her offence? It may onlie be answered that she hath committed sacriledge, the which she confesseth and aduoucheth. If thou demandest why she did it, I say that if she committed it before the death of her children, it was to enrich them, if it were after their death, it was because she would be reuenged of the gods. Where thou saiest that it had ben more easie for her to haue burned the Temple; in that thou shewest thy selfe to be her son, but farre more wicked then she, if it were not rage, and ouergreat desire of reuenge, that staied her from making her choise, according to her wicked intention? Thou wouldest know where she hath bestowed that which she stole? I beleue that shee hath giuen it thee, and that thou wouldest saue her life, to haue some more by the like means. Neuerthelesse, we will punish her alone that confesseth the fact, vntill that thy sinnes doe induce thee vnto the like confession, or that thou bee conuincied by more apparent testimonie, and in so doing we shall appeale the gods, fulfill the laws, performe our duties, and cleare our consciences, which commandeth vs to root out the wicked forth of the Commonwealth by publike punishmēt, because there is nothing that doth better maintaine the world in equitie, then rewarding the good, and punishing the bad.

Declamation. 40.

Of the wife that would not forsake her husband, although he went about to procure her death.

IT happened that a man and his wife made an oath vnto each other, that if one of them chanced to die, the other should not suruive aboue three daies after. Vpon a certaine time the man went vpon a long iourney, and being on his way, he sent a false message vnto his wife which certified her that her husband was dead, she to keepe her promise, threw her selfe downe from the top of her house, neuertheless she died not with the fall, wherefore her father caused her hurts to be healed, and kept her untill certaine newes came how her husband was not dead, but had sent her word of his death, only because he was desirous of his wiues death. Whereupon her father would haue cōpelled her to forsake her husband, she would not, he renounceth her for his child, and disheriteth her, for which she complaineth saying:

O Immortall God, which by thy prouidence gouer-
nest all mankind, thou hast not permitted that this
fact should be for our hurt or destruction, but onelie for
a triall and prooffe of the loue which I beare vnto my
husband, & yet my father would seperate those whom
death could not put asunder: neither is that which I
haue done to be thought strange, seeing that I had both
cause to doe it, & the example of diuers women which
haue done the like, to allow it; for some haue burned
themselues with the dead bodies of their husbands, o-
thers haue by their death redeemed their husbands
life. I am therefore happie to bee accounted one of the
same number being yet liuing, and my husband safe
and sound, who it may be would trie whether I were
worthy to be beloued of him, and now knowing it, he
will

Of the loue of a wife to her husband who

will loue me better then euer he did. The loue which is ouergreat is cause of suspitions and iealousies, and therefore my husband was desirous not onelie to trie whether I did not loue some other, but also whether he was beloued of me, and I am verie glad that with the danger of my life hee hath found me such a one as he desired. What wrong shall I then both doe vnto my selfe, and vnto him, if when I should reape the fruit of my loialtie and most constant loue, I should depart from him, God forbid I should so doe. Moreouer, I should neuer bee well able to liue without him, for it was partlie the cause that I threw my selfe headlong down, because I would not languish without the hope and comfort of his presence, which I shall now possesse with more pleasure then euer I did. To conclude, I cannot leaue him, and if I could I would not, wherefore it is lost labour to speake any more thereof.

The fathers Answer.

IT cannot be denied but that he which went about to procure my daughters death is mineemie, wherefore there is no reason that she which loueth mineemie better then her owne father, should be my heire: thou saiest I cannot, nor I ought not to forsake him. Why cannot, or may not she so doe, that cannot onely determine to die, but to be her owne butcher? Having no sooner heard a fained report of the death of thineemie, thou soughtest thine owne death in good earnest, if thou couldest endure his absence being gone on a long voiage, when thou haddest occasion to loue him, why canst thou not now doe the like hauing iust cause to hate him? Thou art quite freed from all former
oath

oath or promise which thou hast made him, in shewing the desire which thou hadst to accomplish that which he caused thee to sweare, thereby not onely to abuse thee, but to make thee die. Thou saiest that all is fallen out for the best, I know not how that should bee, for as no bad act can be tearmed the author of any good, so ought we not to iudge things by the euent, but by the intent; hardlie can hee euer loue thee, who as oft as hee seeth thee, shall be either ashamed of his fact, or aggrieved that it tooke not such successe as he wished: likewise the triall of loue is not made by a danger so euident.

Declamation. 41.


Of the prodigall sonne who being forsaken of his father, redeemeth his brother whom his father had neglected.



He law was such, that when the children were thirtie yeares of age, they might require their father to giue them their portion. Whereupon it chanced that a man had two sonnes, the one of them was prodigall, and the other a good husband. He gaue the prodigall sonne his portion (who demanded the same by vertue of the law) and did wholly disherit him from anie of the rest of his lands or goods: the other, who was the good husband, made a voiage by sea, and fell into the hands of Pyrats, he writ vnto his father for his ransome, his father was deafe and could not heare on that side: Whereupon his prodigall brother redeemed him, who when hee was returned home made his said brother his heire, in recompence of his release by him, wherewith the father being displeased, disinherited the
thristie.

The liberalitie of a prodigall son

thisie son of his patrimonie, who withstandeth him thus :

 All those which doe know what I haue done, doe praise me for it, except you. How true an example of pittie and brotherly loue hath my brother shewed, when sailing to seeke me, hee hath aduentured great dangers, trauailing ouer many lands, and seas, neuer giuing ouer his enterprise, vntill he had brought mee home againe vnto my fathers house: wherefore if you did loue me as both my obedience, and seruices deserue, and as nature doth bind you, you could not denie but to haue receiued at his hands seruice most acceptable; And in recompence thereof to haue acknowledged him for your heir, as I haue done: for if for his prodigalitie you did disherit him, he hath shewed himselfe both towards you and me not to bee prodigall, but indeed verie liberall. If you did disherit him because he was vnprofitable, hee cannot now bee tearmed so, Seeing he could make so long a voiage, and when all fatherly loue was in you forgottē, he yet could performe the dutie both of a good sonne, and a better brother. You say that age hindered you from comming to redceme me at the beginning of my captiuitie, what man is so old that could not saile so small a way as I was from you: wherefore seeing you did it not, you ought to thinke well both of him and me, for he hath restored me vnto you, and I would also make him yours. If you disherited him because hee was wicked, hee is no such man, seeing that he hath ben so charitable towards his father, brother, and vnto all those that loue vs. Lastly, as I cannot compell you to giue me more then the law appointeth, so cannot you take that from me which you giue me not, but it appertaineth vnto me presently after
your

your death, euen as you receiued it from our grandfathers, seeing that I neuer offended you in anie sort, vnlesse you will account, the dutie which I vse towards your sonne and my brother for an offence.

The fathers Answer.

I Am constrained against my will to disherit you both twaine, seeing that you both take pleasure in displeasing me, wherfore I must imitate the phisitions, who in extreamest diseases vse most dangerous remedies: and as the Chirurgions do oftentimes cut off the members to preserue the rest of the bodie, so must I seperate my sonnes from me, who are agreed together to anger me: thou wouldest haue mee take him for my heire, who hath tried the law against his father, for his patrimonie; what will not hee attempt then to abridge my life, for the rest of my goods? But thou must consider that the law doth allow thee only for a minister or administrator of the patrimonie, but not for lord thereof, and therefore thou canst not adopt thy brother. For the same law which condemned me to giue him his part, restrainerh thee to adopt him, seeing that hee is aboue the age of thirtie yeares: for children also and such as are in their minoritie ought to be adopted; moreouer he is thy brother no more, seeing he hath let to bee my sonne. But how canst thou adopt anie one for thine heire, seeing thou art yet belonging to me? Or if thou art not mine, how canst thou inherit my goods? How wouldest thou haue power ouer thy brother, seeing thou wilt not suffer mee to haue the like ouer thee? If he haue deserued anie good at thy hands, thou oughtst to intreat me for him, and not to vse your owne authoritie.

The policie of a husband towards

ritie. Want of means and oportunitie hath hindred me from redeeming thee, and thou wouldest against my will giue that vnto mine enemie, which in spight of his teeth he was inforced to leaue me. O worthie Iudges, I beseech you see vnto what extremity I am brought, seeing that one hath taken away part of my patrimonie, and the other would that hee should haue the whole.

Declamation. 42.

Of the husband who gaue two children vnto his wife without telling her which of them was her owne.



Certaine woman died in childbirth of a sonne, whom the father sent to nurse in to the countrie, and within a few daies after hee married a yoong wench which he had alreadie got with child, shee about a month after did also beare him a son: whome he in like sort did send abroad to be nursed, handling the matter so well, that not any besides himselfe did know which was the first or the last child. About three yeares after he made the children to be brought home to his house, and would not tell his wife which of them was hers. Moreouer, they were both of them so like the father, and so little like the mothers, that shee could not that way discern them, whereupon she accused her husband of bad vsage, who denied it thus, saying:

Wherefore dost thou weepe for thy child, seeing thou art sure to kisse him and see him euery day, if thou

thou wilt, I would long since haue told thee which of them is thine, if I had not knowne that thou art as desirous to shew thy selfe a stepdame to the one, as a mother to the other. Consider only that the one is thy son, and the other is his brother, and thy husbands son; loue them then for their owne sakes, or els neither loue nor hate them: but I perceiue that whilest thou desirest to be a mother to the one, thou art a stepdame to them both. If thou doest constraîne me to tell thee, neuer imagine that I will tell thee the troth, wherefore I will not deceiue thee as a mother, but as a stepdame. Nature her self determined that they should be like each other, to the end that they should be both thy children. Thou mightest very well know which of them is thine, if the desire which thou hast to hate the one did not hinder thee, wherefore behold the one or the other with the eie of a mother in law, and it may bee the same will bee thine owne. Long since should I haue told thee the troth, if thou hadst ben lesse importunate to enquire it. I will that thou alone shouldst inioy this benefit, either to haue one sonne in law without being a mother in law, or els to haue two children without hauing suffered for the birth of more then one of them. When they are of more age, marke which of them will be more obedient vnto thee, and the same shall bee thy sonne, or at the least shall deserue that thou shouldest so account him: and giue ouer henceforth to bewaile thy sonne, seeng thou art not onely certaine that thou hast him, but also that thou canst not lose him, vnlesse they doe both die.

The wiues answer.

YOU doe me great wrong, for how can my son loue, honor, and obey me aright, if hee be not sure that I
am

Of him who drunke poison with his wife,

am his mother, so that desiring to make me a mother of two, you make both the one & the other to be my sons in law. You doe well know both your children, & haue the ioy thereof, but you depriue me of mine, or rather, make me partaker of nothing but greefe and sorrow: and being willing to giue a mother to your owne, you depriue me of mine. You say well that I am a stepdame to them both, but you are the cause thereof, and are worse then a stepfather vnto mine, seeing that you take his mother from him, or at the least will not suffer him to know her.

Declamation. 43.

Of him who drunke poyson with his wife, wherewith she died, and he made claime vnto hir heritage by her Testament.

When Octavius, Marc Anthonie, and Lepidas did part the Romane Empire betwene them, many of the Nobles were slaine, & others fled and were banished, or els fined in a great summe of money payable vnto those which were appointed to kill them. Amongst whom there was a Roman exile who was followed by his wife that was verie rich, whose chance was that vpon a certaine time she found her husband in a secret place, holding a cup in his hand, she asked him what he had in the cup, he answered that it was poison, and that he wold poyson himselfe because he desired to liue no longer in this miserie; the wife answered that she would not liue without him, and therefore praied him that shee might drinke some part with him: wherunto he agreed, and hauing drunken part, he gaue her

her the rest, the which she did drinke up, and died suddainly after. The husband died not: but within a short while after by the means of his friends he was called to Rome again, where being arriued, he shewed a very plain Will of his wines, wherein she left him heire of all his lands and goods; her kinsfolke who did verie wel know how she came by her death, accused him for poysoning his wife, complaining and saying in this sort.

HE hid himselfe with poyson, because he would be sought and found by his wife, he fained that he would drinke it to make her drinke thereof, he said he would die, because she should desire to liue no longer, He did drinke in such sort of the poyson that he is yet liuing, and his wife dead: I would faine know then what man did euer murther his wife more manifestly? Or what poison is that which could not once kill so great an heire, who affirming that he would die, after he had caused his wife to die, did himselfe escape: it is a great matter that all the rest of the fugitiues are become poore by the late edict, and this man is made rich thereby, the others haue lost their owne goods, and he would vsurpe the goods of another, as a reward for procuring the death of her, that loued him more then her selfe, and so much did he know that she had witnessed in his fauour: she followed him when he was pursued by his enemies sword, and vnder a fained coulour of loue he hath murthered her with poyson. A goodly exchange, she tooke his poison, and he her Testament, so soone as shee had drunken shee died: but is there anie doubt to be made of the force of the venome? Seeing it was compounded and made by the heire, who might verie well drinke part of the vppermost, as being lesse violent, either hauing an Antidot verie readie, or els ha-

Of him who drunke poison with his wife,

uing taken it before hand, thereby inciting his poore wife by deceit to drinke the bottome, where all the poison did lie, so as it might verie well be said, that hee had the drinke, and she the venome, which long before hee had prepared to hurt her alone. He did verie well know that shee would not liue without him, seeing that shee was desirous to thrust her selfe into most great dangers for his sake. If they are punished which kill their enemies in open fight, what punishment is he worthie to haue, which hath treacherouslie murdered his wife that loued him aboue all things, as hee ought to haue loued her.

The Answer.

MY wife did loue me in time of peace, shee followed me to the wars, and in exile in my greatest extremitie she neuer left me, saying that it was a righteous deed not to forsake him that was innocent: I had a just occasion and was desirous to die, because I wold not be put to death by the hands of a hangman, or liue continuallie in fear of mine enemies; They which are deceitfull doe hide the truth, but I told her plainlie, that it was poyson which I would drinke, and as I neuer refused her anie thing, so also had I not the heart to refuse her this last request, and the rather, because I was sorrie to leaue her in miserie, as well for the grieve which I knew she would take for me, as also, for the anguish and trouble she should suffer to liue at the discretion of such kindred as you are, who would neuer haue cauilled for her death, if the Will had bene made in your fauour, and if she had died intestate, you would haue quarrelled amongst your selues for her inheritance.

heritance. And where you say that I dranke the first draught, it is true; because I did not only alwaies vse to drink before her, but also because I hoped by this means dying first, to shun the greefe I should sustaine to see her die before me. Moreouer, the poyson was not of such qualitie as you say, no worse in the bottome then it was aboue, for that which could not infect all the drinke would be lesse able to infect or kill anie bodie: likewise I am sure that I did drinke a sound draught, more then the halfe. But I doe now know to my great greefe that my wife was more tender then I, wherefore she is dead with that poyson, which was not of force inough to kill a man more strong. Also you need not demand (that seeing I was desirous to die) why I would not make an end of my selfe when I saw my wife dead, for touching this point, they cannot iudge thereof, which haue not ben so neare their death as I was, for they know not how horrible it is in such an extremitie, and especiallie euery violent death, but more chieflie that which is slow, and draweth on by leisure: wherefore before you can iudge rightly thereof, you ought either to haue tried this extreame point, or at the least, to be as neere your death as I, who shall neuer be found againe, nor of anie long life. Wherefore it is not for couetousnesse that I require my wiues inheritance, but thereby to haue meanes as well to eternise her good renowne, as also because I wold not suffer her last Wil to be abused.

Declamation. 44.

Of him who hauing giuen ouer and forsaken two of his children, would not leaue the one of them with him that had fostered them vp.

I must here be considered, that in times past amongst the Grecians it was lawfull for such as would, either to slay their children, or to forsake them and leaue them at all adventures; and the law was such, that if anie did find them and bring them vp, it was at the fathers discretion to redemand and take againe his child, paying for his nursing. Whereupon it happened that a father through poverity was inforced to leaue two of his children, being twinnes, to the mercie of the world, which children another man chanced to find, and caused them to bee nursed, thinking to keepe them as his owne, for he had none. It likewise chanced that within a certaine time after, the father who had forsaken them became rich; so that he desired to haue his children again, and causing them to be sought out, he which had fostered them, came vnto him, saying that if he would let him haue one of them, he would giue him the other, and he should chuse which of them both he would haue, the father agreed therewith, but seeing the children he tooke them both againe. The foster father summoned the father to the law for one of them, the father defended himselfe saying:

How wouldest thou haue me make partition of my children with thee, seeing that I made a refusal thereof, especiallie to the mother which hath conceiued and borne them? I haue begottē them both, I haue desired them both, I tooke paine for them both, they were both borne together, they were both left, or lost together, because I knew that being twinnes the one could not liue without the other, thou foundest them together, thou hast fostered them vp together,
and

and I haue found them together againe, wherfore then in the restoring should they be sundred; especially seeing fortune which once seperated them from their Parents, would neuer sunder them one from another, how could I chuse the one, and leaue the other, seeing that because I could not chuse, I did leaue them both? if the martiall law, which is the cruellest, doth not suffer that two brethren being taken in the warre should bee sundred, how doth the Ciuil law allow it in these here, who are not onelie brethren, but may well bee tearmed the halfe of one another, each of them loseth his grace and worth if he be absent from the other. I should doe a wrong in desiring thy children, but not in retaining mine: why wouldest thou haue acquaintance to sunder that, which abandoning to the world could not sepe-
rate? I would giue al for my child except my child onely, I made the bargain weeping and trembling as much as when I departed from them, for I was constrained by force and necessitie, because I could not find the one without promising the other. It is inough of the first wrong that I did vnto my children, in expulsiſng and leauing them through necessitie, without adding thereunto a second iniurie, which would bee in seperating them willinglie, seeing the law, my dutie, and the equitie of the iudges may be my warrantise; for euery agreement made by feare or force is nothing worth, but onely those which are willingly made, or according to the lawes.

The Answer.

IF thou wilt not sepe-
rate them, reason commandeth
thee to leaue me both twain, seeing thou haddest not
onely the heart to leaue them at all aduentures, but fur-
ther also thou hast beene accustomed to liue without
P iij them,

Of him which stroke his father by the

them, but I leauing the one shall neuer be but in perpetuall greefe and anguish for the other, seeing I haue ben accustomed to haue them both, doest thou thinke that he vseth force or constraint that maketh thee a father when thou neuer hopedst to be one, I haue freed them from the danger to be deuoured of brute beasts, or to die with hunger, I haue nursed and fostered them, I doe restore one vnto thee, yea and giue thee thy choice, wherefore no man is a loser but I, although the iudges should be neuer so righteous and fauorable to my most iust demand.

Declamation. 45.

Of him which stroke his father by the compulsion of a Tyrant, whom he afterwards did slay, and requireth a reward therefore.

THe law appointed, that whosoever did strike his father, should haue his hands cut off. Whereupon it chanced that the King being a Tyrant, caused a man and his two sonnes to be sent for vnto his palace, and hauing brought them vp vnto the top of a high tower, hee commanded the sonnes vpon paine to be throwne headlong downe, to strike their father, and he would defend them from the punishment which by the law was appointed; one of them because he would not strike his father, threw himselfe downe, the other did giue his father a blow with his fist, whereupon the Tyrant who did greatly fancie, and daily sought such men as were wicked, entertained him into his seruice, and loued him so deere as he who-

ly put his trust in him: but as Treason doth oftentimes spring of too much trust, so this man took an occasion to slay the Tyrant, as well to reuenge his brothers death, and the iniurie done vnto his father and him, as also to winne honour, and gaine the reward promised secretly by the Citizens to him that should kill the Tyrant: who hauing slaine him, demanded the said reward; but the ingratfull people accused him for striking his father, for the which they wold haue his hands chopt of. Wher vnto the poore father would in no sort consent, but gainesaid him thus:

Should be more happie if I did rather defend many malefactors, then one onely innocent: will you cut off those hands which hath slaine the Tyrant, & restored you your libertie? what doe you meane, why did you not cut off the Tyrants hands, that constrained my son to transgresse our laws, so that it was as necessarie for him to strike his father, as it was lawfull for others to rob Temples, and to rauish the Virgins and wiues. Oh how much doe we owe vnto those hands, by the which such crueltie is brought vnto an end, the tyrant did trust that by the same hands he might shame some, and slay others; but they haue deprived him of the means to performe either the one or the other: but how much more am I indebted vnto this my sonne, then vnto the other that brake his owne necke? For he did not that to spare his father, but himselfe, because hee cared not though I had died with sorrow, which no doubt I should haue done, if this here had done as much, and in siniting me hath he not onlie saued my life so much, as hee hath afterwards likewise preserved the Commonwealth. Alasse my poore children what great extremitie haue you both endured, by the crueltie of a Tyrant? The one hath broken his
P iij necke,

Of him which stroke his father by the

necke, and the other to his most great griefe too was in-
 forced to beat his father: but farre greater praises doth
 he deserue that hath slaine the Tyrant, then the other
 doth which did murther himselfe. What offence hath
 this my son and your protector committed? Saue only
 that in lifting vp his fist, and gently letting it fall againe,
 he fained to strike his father, who in like sort seemed as
 though he were aggreeued therewith, but both the
 one and the other did it to escape a worser mischiefe,
 and to performe a greater good: necessitie in all doth
 greatly excuse humane weakenesse, and therefore the
 Saguntines were not only excused, but exalted for slay-
 ing their fathers, which is more then a light stroke. His
 brother in leauing me at the Tyrants mercie did worse
 then he, who without hurting me, hath saued me. You
 say that hee had no respect vnto the law, I know well
 that the law is strict, but the interpretation is large: if
 one being mad chance to strike another, he is not puni-
 shed: Neither yet is the little child which striketh his
 father condemned: For the mad man hath more need
 of pittie then punishment, and is rather to bee holpen
 then hurt, and the child hath neither strength nor vn-
 derstanding to offend: these two points in such an ex-
 tremitie are found in my sonne, for in striking me, hee
 endured a greater paine then I; if those women who
 were defloured by the Tyrant, are not esteemed vn-
 chaste, Nor those Priests, which through force or feare
 haue brought the treasures of the Temple vnto the ty-
 rant, are not deemed culpable, Wherfore then should
 my sonne bee blamed who fained to strike his father?
 Thereby not only to saue his life, but to kill the Tyrant,
 reuenge the rauished women, and to restore both
 the treasure vnto the Temples, and also to purchase
 free-

freedome vnto all ; I did commaund him to strike me, wherefore he should haue sinned more in disobeying me, then in obeying the Tyrant therein ; so that he hath not offended me, but spared me. Moreouer, the reuenge or punishment of a sonnes offence against the father, lieth in the will and discretion of the father : if anie other had stroken me, and I had no desire to complaine, no man could compell me therevnto, or pursue him for me, what doe you meane then by this ? Seeing that he which hath giuen the blow, hath endured the greatest griefe and hurt thereby, and that hee which receiued the same, commanded the other to giue it him.

The Answer.

THe more you defend your sons cause, the more you make him culpable, for you shewing your selfe louing and pittifull vnto him, doe likewise shew, that hee ought rather to haue died a thousand times, then to haue strooken so good and louing a father : what doth hee then deserue that hath smitten such a one to please a Tyrant, Whose seruant he afterwards became ? You say hee did it to profit the Commonwealth, and wee doubt it, for wee cannot begin to doe good, by performing a mischiefe ; and he hath offended the Commonwealth more by his wicked example, the can well bee expressed : for neuer was it found before, that anie was so bold to strike his father. If hee would not preuent his brother, yet should he at the least haue followed him ? Who chused to die rather then to see his father stroken, so should they both haue beene an example of pittie, where now one of them loseth part of his glorie by being brother vnto a man so wicked,
for

Of the bondman who would marrie

for the one cannot bee mentioned without the other. You say that you pardon the wrong which hee hath done you? But the law pardoneth him not for transgressing it. You say I would needs be stroken? but wee say that his brother would not that you should. It seemeth by your speech, that euen as the Tyrant iudged him a fit man to commit a vilanous act, so you likewise had the same opinion, and seeing that you could not escape, you fained that you were willing to bee stroken, for feare of being slaine altogether: Lastlie, hee hath smitten his father, knowing that it was against his brothers will, and against the decree of the law, so that hee being guiltie, is likewise worthy of punishment.

Declamation 46.

Of the bondman who hauing saued his Maister, his sonne, and goods, together with his daughters honor, pretendeth to marry her.



Tyrant standing in doubt that his Citizens would attempt some conspiracie against him, tooke the bondmen of all the cittie into his fauour, giuing them freedom, and inciting them to murther their maisters, they fearing the effect thereof, did suddainly flee forth of the cittie, leauing their houses, wines, and children in danger at the mercie of the Tyrant, who to take away al means and hope from the Citizens; and from the slaues all possibilitie euer to be reconciled vnto their masters, suffered and commanded the said slaues to ravish their wines & daughters: Shortly after the Tyrant died suddainly by mischance, where-

whereupon the Citizens returned by force into the cittie, and caused all the slaues to be executed or hanged, except one, who hauing fained that he had rauished his masters daughter, did faithfully preserue and keepe her with all his goods, and restored her a virgin vnto his Maister, moreouer, he did forewarne the Citizens of the dangers which would follow, wherewith his Maister receiued such contentment, that he gave him his daughter in marriage. But the said Citizen had a sonne, who opposed himselfe therewith, accusing his father to bee void of vnderstanding, and said thus:


OVr grieue would be the lesse, if the Tyrant and not the father had made such marriages. Can anie man say that he hath not lost his wits, which seeketh rather to immitate the Tyrant his enemy, then his bondman? Who hath at the least shown more loue vnto him, then he doth either to sonne or daughter, seeing that he maketh himselfe like vnto the Tyrant. If the bondman had lien with my sister, I had caused him to be hanged as well as the rest, and now you your selfe would haue him to lie with her: you say that it is by marriage, I denie that, for marriage is meant betwixt those which are worthie one of another, either in deed, or opinion: Then seeing none besides you, who are mad, of that opinion that a slaue may be worthie to be your sonne in law, and my brother in law, it can bee no marriage: and were it otherwise, I say that this mariage bringeth more shame, then if she were rauished or abused by a Noble man, for then at the least the child which should so bee borne, should be more worthie and be better respected then the child of a bondman. Who would euer haue thought that the Lord or Maister would haue suffered his slaue further then the Tyrant would his friend? It may

Of the bondman who would marrie

may therefore verie well bee said that whosoever maketh such marriages, is either a foole or a Tyrant, of whom the one deserueth death, and the other to lose al authoritie. O what a faire sonne in law hath he chosen, who hath nothing of anie worth in him, but that he hath kept himselfe from being hanged with the rest of his fellowes? Alasse my sister shall then being vnder the power of her father, lose hir virginie, which was so carefully preserued when shee was vnder the power of the Tyrant, and he shall be thought worthie of such a marriage, which was not deemed worthie of the gibbet. Farre more happie are those which were deflowered, for they neuertheless doe now take such other husbands as are worthy of them. It is a goodly matter whe the father maketh such a match for his owne daughter as the Tyrant did for those of his enemies. Ah vnfortunate sister, who being vnder the tyrants power diddest desire thy father, and vnder thy fathers power, thou desirest the Tyrant, who would yet defend thee from this iniurie. Is this a small reward for a bondman to see all his fellowes on the gallows, yet himselfe to bee free from the like? you say that he hath not rauished his mistress, say likewise that he hath not slaine his maister, nor vsed poyson nor sorcerie: doe you say that hee dooth a good act that keepeth himself from crime for fear of punishment? Our miserie is as great now as the shame which the other maids and wiues haue suffered during the Tyrannie, for this is done during our freedome: the others shame was in the absence of their Parents, but this is in the presence of hers; the others shame was called deflowering, but this here cannot be called constraint but a voluntary consent. It was not vertue that kept him from doing as much as the others, but the feare to be
hanged

hanged with the others, hee knew very well that God would not suffer so cruel a tyranny to indure, and when the Citizens returned, the slaues should bee punished: But why will you marrie your daughter to one so vild and base, who hauing her in his power, both esteemed, and knew himselfe to bee vnworthy of her? Wherein onely he deserueth some recompence, which may bee done in giuing him freedom and meanes to liue, but you must not giue him her, for whose sake chiefly you would reward him.

The Answer.

 Doe now know very well that thou art ignorant how true nobilitie proceedeth from vertue, or els you would not iudge this man to be ignoble, who is truly vertuous; seeing neither the greedy desire of welth was able to win him, nor the prouoking of lust could entice him, nor yet the feare of punishment and cruel death might once terrifie him to swarue from his dutie. Who dooth not know, if the tyrant should haue had but the least inckling of his fidelitie towards me, that he alone should haue suffered the same death which hath been inflicted vpon all the rest. Wherefore I cannot bestow too much vpon him, who hath not spared his owne life for my honour alone, but for the honour of all our linage, from the which hee ought not to be excluded. But where doe you find that marriage consisteth in the equalitie of persons, doe you not know that *M. Cato* married a pore Plebeians daughter; as also a number of other like examples might be rehearsed. And if you stand vpon worthinesse, you shall find that your sister deserueth to haue but an honest

Of him who would not deliuer his brother,
 nest man, and such a one you cannot denie him to be,
 vnlesse you speake vnrulic : Nature hath not made any
 bond or free, but it is fortune that imposeth such names
 both on the one and the other, wherefore *Plato* hath
 not said in vaine, that Kings are born of bondmen, and
 bondmen of Kings. Finally, if my daughter will not
 take him for her husband, she will as well cause me to
 suspect that she is aggrieved or displeased with him in
 that he tooke not his pleasure with her so soone as hee
 might, as I doe alreadie belecue, that you would haue
 her to die without children, because you might be the
 sole heire of all my liuing.

Declamation. 47.

*Of him that would not deliuer his brother, that had
 accused him falsly to haue slaine his father.*



I was an ancient law, that whosoever did beare
 false witnesse being conuincd thereof, he should
 remaine his bondman against whom hee was a
 witnesse. Whereupon it chanced that a certaine
 man which had two sonnes, carried one of them
 abroad into the countrie with him, within a small time after
 the sonne came home againe alone, the other sonne accused his
 brother that he had slaine his father, and added such apparent
 likelihood vnto his sayings, that the other being vpon the rack,
 confessed the offence which he had not committed; so that he is
 condemned to a cruell death: but a certaine solempne feast
 drawing neere at hand, some of his friends found the means to
 reprieue him untill the said feast should be ended: in the mean
 time the father returned home to his house safe and sound,
 whereupon

whereupon he which was condemned, accused his brother of false witness, and hauing conuicted him thereof, put him in prison: but the father intreated his son to deliuer his brother, the which the other refused to doe, so that his father threatened to disherit him saying:

WHat canst thou say saue only thy brother hath produced or born false witness against thee? I say that he thought he had said the truth, for the loue which he did beare vnto me, and the fear that he had of my death did make him beside himselfe: but if thou desirest to prooue him more faultie, then I say be thou mercifull, and euery one will say, that hee did much amisse to offend so kind a brother. Art thou abashed that thou foundest thy brother so cruell against thee, seeing that hee beleued or thought that thou haddest flaine thy father and his? Why wilt not thou suffer me to haue two children? wilt thou torment thy brother to procure my death thereby? If it bee so, hee hath not altogether accused thee wrongfullie. Alasse one of my sonnes was in prison because I did not returne, and the other is in prison because I am returned. If thou dost not set him at libertie, I wil liue no longer: whereby it shall be knowne that thou wantedst not the will, but the meanes or occasion to murder me, and it will bee said that thy brothers meaning was not so bad against thee, as it was good towards me, seeing that hee inwardly perceiued thine iniquitie, and in forsaking me or returning without me, thou thy selfe wert the cause that he accused thee. Dost thou not perceiue that I am fastened euen amidst the selfe same chaines where-with my son is fettered, and that the same bond which bindeth his hands, doth burthen my heart? Churlish
and

Of him who would not deliuer his brother,
and vngratious as thou art, wherefore dost thou keepe
thy brother in prison and thy father in thraldome, who
by his returne hath saued thy life? The which (if other-
wise he should haue done) thou couldest (next vnto
God) neuer hold of any other then of him.

The Answer.

Wherefore should I pardon him, who not onelie
sought my death, but indeuoured to procure my
perpetuall defamation; It was to my great danger that
I was imprisoned, condemned, & deliuered, wherefore
no man but my selfe can rightlie iudge of my passion;
He falslie alleadged that I had slaine my father, thereby
to cause me to die forwith, me I say who was euer a
most kind brother vnto him; who knoweth not that
the greater the loue is, the more vehement is the hate
when it is once iustlie conceiued. The hangman being
more pittifull then hee, was the first that brought me
news of my fathers returne. If I had euer ben wickedly
minded, I should not haue had so iust a cause to be an-
gry? Is it to be wondered at, if I detaine him prisoner
that sought to bring me to a shamefull end, it may be to
murther you afterwards secretlie? It is not only a hate,
but a feare which I haue, least he should complot some
other Treason against me, that hindereth me from deli-
uering him. What is hee that did not verie plainly per-
ceiue, that the only prolonging of my punishment pro-
cured his paine, although the daily expecting thereof
did more displease me, then the present suffering the
same could haue daunted me, seeing the hangman al-
waies before me, who was himselfe affrighted at those
torments which were prepared for me. If my father do
loue

loue me as well as he doth my brother, I would know why he died not at his returne for sorrow, seeing mee at the gibbet? It is hee then for whose sake hee would disherit me, that by one onely treason did thinke to murder both his father and his brother, that he might as well be sole heire, as also possesse the whole inheritance the sooner.

Declamation. 48.

Of a father that would renounce his son for marrying a maid that had freed him from her fathers prison.

A Certaine man being taken by Pyratts or rowers on the sea, writ vnto his father for his ransome, the father excused himselfe, so as the other remaining without hope of releasement, is releued by his daughter who was captain of the Pyratts: and shee was not onely fauourable vnto him during his imprisonment, but also promised to set him at libertie, and to flic away with him, if he would sweare to marrie her, either when hee came home, or by the way: He did sweare, and married her solemnly before he came where his father remained, who was discontented therewithall, and would haue had him to forsake her for to marrie with a rich inheritrice, but he would not: whereupon his father would disherit him, saying:

Q What a great ioy maist thou hope to haue of thy wife, or what comfort can I expect of my daughter in law? Who for the loue of a stranger, cared not to hate her owne father: Yea, and was not ashamed

to

to disclose her disordinate lust vnto one whom she neuer knew before. Thou wilt say that first of all she had compassion of thy miserie, and from that compassion did loue spring; but I answered that it was neither compassion nor loue towards thee, but rather a desire to satisfie her owne lust and pleasures, that prouoked her to deliuer thee: wherefore thou art not in any sort bound vnto her hauing partly satisfied her desire, for it should bee impossible for thee wholly to satisfie the same; seeing the drie earth, the graue, and a womans wombe, are three insatiable things.

The Answer.

I Should greatly erre to put away, or leaue her, who hath not forsaken me in such a place, where not onely my father himselfe feared to come, but also where he either durst not, or would not once succour or releue me. If you had seene my bodie ouerladen with chains and bonds, my hollow cheekes, my deepe sunken eies, as also my blacke and vnprofitable hands clogged with giues, you would trulie haue said that compassion onlie moued her to deliuer me, the which she could not doe without running away with me; and because I would not be ynthankful for so high a fauor, what better reward could I bestow vpon her then my selfe, since I was the chiefest cause that shee hath nothing wherewithall to marrie her: being then my wife, she could do no lesse then loue me, but if it had beene so that she had loued a captiue, a slaue, or at the least one far more miserable, Yet ought she not to be therefore condemned. The Romanes in times past did worthilie take a bondman to be their King. Miseric or pouertie neither hindreth.

dreth nor corrupteth vertue, but maketh it more excellent, and is oftentimes the cause whereby a man may shew himselfe more worthie: but what thinke you of a number of Romanes, who being violently taken from the plough, haue neuerthelesse greatly enriched and increased the Commonwealth by their pouertie? why then should I make her miserable, that hath freed mee from miserie? If I should be so ill disposed, yet ought you both to reprove me and chastice me for it: suffer me then to performe my dutie, seeing you are not willing either towards her or me to performe yours. And in that shee loued mee better then her father, I am so much the more bounden vnto her,

Declamation. 49.

Of one that was likely to be defrauded of the honor due to him for his victorie: because he had taken the armes belonging to a dead man.



Certaine valiant conqueror chanced to die, who hauing made his Testament, he ordained that all his armes should be hanged vp for a Trophy about his sepulchre, and that it should not be lawfull for anie man to take ought therof away. It chanced that another man (who before time had ben no lesse famous for his victories in the Commonwealth then the other) lost his armes in the warres, and being charged by the enemies, he fled in the cittie euen vnto the sepulchre aforesaid, from whence he tooke the dead mans armes, wherewith he returned vnto the fight,

Of one who vpon necessity tooke the arms

and there behaued himselfe so valiantlie, that he came home againe a conqueror. But like as vertue is euermore persecuted by enuie, so he (having placed the armes againe from whence hee had taken them, and receiued the triumph of his victorie) is accused of sacriledge, and for robbing the sepulchre of another man by taking away his armes; but he excused himselfe of the crime saying:

THese armes stood more in need of my aid, then I of their assistance, for the victorie which I haue obtained hath kept the enemies from taking the cittie, and all that therein is, and although it were otherwise, yet could not that be tearmed violence which one taketh without resistance to a good intent, and with a will to restore it againe. Many speake of armes which know not what they meane, for these here being in my hands at the combate were armes, but so long as they shal remaine in the temple, or about the sepulchre, they can be tearmed no other then spoiles, or an vnprofitable Trophie, so that it may well bee said, that the armes stood in need of my strength. I lent my selfe vnto them, whereby also the Commonwealth hath receiued great benefit, and the dead man and his armes haue gained more thereby then they lost, for the dead shall bee the more eternised, and his armes the more famous. Necessitie is not only without law, but she her selfe is the law of time. Wherefore oftentimes she causeth the richest marchandise to bee throwne into the sea to vnburthen the ship: or to breake down, and ouerthrow some houses to saue others from fire: so likewise is one or more members cut off to saue the rest of the bodie: how much more lawfull is it then in a necessity to do a good act, as I haue done three, for I haue ouercome the enemy,

mie, assured the Commonwealth, and increased the glorie of these armes, in making them double victorious. Is it not apparentlie knowne that manie doe mortgage, and sell all the iewels and relicques of the church, to conserue the Commonwealth? Wherein then haue I offended, imploying for the same a thing of so small a value, which serued but for an vnprofitable shew?

The Answer.

THy fault is verie manifest hauing shewed thy selfe badlie furnished for the combat, but redie inough for the flight, and in the one and the other verie cowardly; as also no lesse impudent in defending thy cause, then impious in committing so vild a crime: to prooue this my saying true, thou hast either lost, or forsaken thine armes, the which anie man of worth doth farre preferre before his life. Thou couldst not then (by thine own saying) recouer that dishonour of thy losse, without taking away a dead mans armes, which were hallowed and consecrated to the church; and thou hast no other excuse for thy theft or rapine, but that thou diddest lose thine: seeing then that both the one and the other act is most execrable, whether of the twaine will best serue thee for an excuse? Thou saist, I haue set the armes in their place againe; thou doest thereby confesse that it was not lawfull to take them thence. It seemeth thou wouldest inferre, that thou deseruest verie much in that thou diddest not leaue them, as thou diddest thine own, and it appeareth by thy speech, that hauing restored them againe, the law hath in no sort been offended; I answere, that in performing this offence, thou hast done like vnto him that should first wound a

Of an adulterer, who claimeth the reward

man, and afterwards heale him againe; or like vnto him that restoreth any stolen goods, not only when he hath no more need thereof, but after that he hath enriched himselfe by the means thereof. It might haue ben sufficient for thee, that thou haddest saued thine owne life and reuenged the death of thy followers by these arms, without vsurping the triumph and glorie of the good lucke which they did yet containe by the vertue of the dead man: wherefore thou art onely beholding vnto them, els mightest thou as well haue beene conqueror with thine own arms, without vsurping or taking away these which thou knewest to be victorious. There is no reason then to pardon the fault which thou thy selfe hast committed, for any the good successe we haue receiued by anothers mans weapons; and although the same should so be according to thine owne desire, yet must we doe iustice, and euen as thou hast obtained the honor and triumph of a conqueror, so must thou endure the punishment due for crime.

Declamation. 50.

Of an adulterer, who hauing slaine a Tyrant, claimeth the reward and honour that was promised, the which was refused to be giuen vnto him.



Certaine Tyrant hauing by force obtained the sole gouernment of a Commonwealth, the Citizens thereof did secretly ordain amongst them, that whosoever could slay the said Tyrant, hee should haue tenne thousand crownes in recompence, and his statue or image should be set vp in the Temple, and

and bee called the onely patron and protector of his countrie. Whereupon it happened that a yong man did so well court the Tyrants wife, that he intoid her at his pleasure, and oftentimes he went unto her by night disguised, and sometimes in the habite of a woman. In the end he was suddenly surprised by the Tyrant, who would haue slaine him, but the yong man being the stronger, or rather being aided by the wife, tooke the tyrants sword from him, and slue him. Wherefore hee demanded of the Commonwealth the recompence promised vnto him which should slay the Tyrant; but the Cittizens gainsaid his demand in this sort:

For the Tyrant himselfe had not armed thee, thou haddest neuer slaine him, but what shall I say, Seeing that one Tyrant murthered another at all aduentures? For adulterie is no lesse offence then tyrannie: but of whom requirest thou a reward for thy not suffering him to slay thee, Seeing that euen those which are most wicked, doe eschew death as much as they may? the tyrant should haue deserved as much if he had slaine thee, as thou doest in killing him, so that can be said to be nothing els but an equall combat, the issue whereof hath beene happie for thee: neither did the honest, nor the innocenter man get the victorie, but rather the stronger, or the vilder person. Seeing it was manifest that the Tyrant came to murther thee who wert as wicked as himselfe, and that he brought the meanes to kill himselfe, why comcest thou alone to demand the reward? The which if anie were done, ought to be diuided in three parts, that is to say, one part to the Tyrant for bringing thee a sword, another part to his wife for helping thee to take it from him, and the last and least part for thy selfe: Moreouer,

thou diddest not enter armed as those do which would kill, but thou camst delicatlie apparelled, and perfumed into the chamber, not without good espiall before hand of the Tyrants absence. A valiant man no doubt, who desired not to find the Tyrant, but his wife, who was not pricked with hate, but passioned with loue. They which goe purposely to kill anie one doe arme themselves with courage and courtelax, and doe goe thither where they thinke to find those they meane to kil. Euery noble act is begun with an intent, and performed by occasion: for as oftentimes the vertuous enterprises are rewarded, although the successe doe fall out sinisterly, so are wicked enterprises not left vnpunished, although they succeed not according to the meaning of the malefactor; and as vertue without effect loseth not her glorie, euen so likewise is that neuer allowed for vertue, or worthie of reputation, which happeneth by fortune, or chance. The wisdom of our Senat, would neuer haue appointed so great a reward for him that should slay the Tyrant, if they had thought the same should haue ben performed by so wicked a person, not willingly, but by constraint, not by vertue, but by vice. Neuer was there heard of such a combat, for hee which was counted the vildest caitife, did fight for the best & honestest cause; the Tyrant fought to reuenge his owne wrong, and his wiues reputation, and thou to maintain thy lewd act and foule adulterie: so that it may truly bee said, that thou diddest murther a womans husband, and fortune hath slaine the Tyrant, by whose death the Commonwealth hath gained her freedome, although he was not slaine for the same intention. It is a goodlie matter to see thee come polluted with the kisses of an adulterous minion, to demand the recompence belonging

longing vnto a vertuous man; this honor should bee due vnto such a one as had freely killed the Tyrant, being therevnto prouoked by vertue; but not vnto thee, who diddest it by chance or constraint, thereby to defend thine owne life: wherefore the same life which thou hast saued by this deed, is a recompence great enough for thy desert; or if thou wilt denie this, consider that first we must punish the vice, and afterwards reward the vertue: thou canst not denie but that thou diddest first commit adulterie before thou sluest the tyrant, first then suffer punishment for thy fault, and then we will afterwards consult whether thou deseruest that reward which thou demandest. But aboue all things remember this, that no good act is to be attempted by mischiefe, neither must vertue be attained vnto by vice.

The Answer.

YOU say that I went not of purpose to kill the Tyrant, seeing that I did goe vnarmed: But I affirme that I did, which is plainly approued by his death. In that I was vnarmed, it doth not any whit deminish my vertue, but rather augment my danger, the which not to esteeme, nor feare, can bee no other then vertue. You must not examine what I carried into the Castle, But what I tooke away thence; Likewise neuer aske wherefore I went thether, but marke what I haue done there: True it is that the sword was none of mine, but the hands were mine, the courage, counsell, danger, paines, and lastly the act was mine. Doe you call mee an adulterer, who am the only cause that your wiues need not stand in feare to be anie more rauished? I did warily consider (seeing the strong fortification of the castle) what

What meanes there might bee to kill the Tyrant, but ha-
 uing tried the souldiors, the seruants, and the maids, I
 could find no fitter occasion, then by the means of his
 wife, who long before had been liberall inough of her
 honor vnto others: furthermore, it can bee no more
 teamed adulterie to cuckold a Tyrant, then it is repu-
 ted murder to kill a Tyrant; but it is rather worthie of
 reward. Moreouer, it was verie dangerous to carrie a
 sword secretly into the castle, but very easie to find one
 there, for my purpose was that if I could meet with the
 Tyrant, euerie thing should serue me for a sword; like-
 wise I was sure that hee neuer went without a sword,
 and that when two strue for one sword, it remaineth
 vnto him that is the strongest or worthiest. Allo I was
 not ignorant how God doth alwaies resist such wicked
 persons as hee was, and doth fauour such lawfull enter-
 prises as mine: and you cannot say that I went not to
 seeke the Tyrant, seeing I staied of purpose for him e-
 uen in his bed chamber, whether I was sure that he v-
 sed to come all alone. Take not then that from me by
 your malice, which is due vnto me by my vertue and
 manhood.

Declamation. 51.

*Of the father that adopted for his heire, the sonne of
 his forsaken sonne.*



Here was a man which had two sonnes, the one
 whereof he did utterly denounce and forsake,
 in that hee had married with a woman of loose
 life, by her had a son, and afterwards fell sicke:
 Wherupon he sent to intreat his father to come
 at

at the least to visit him once before hee died, who being come unto him, his forsaken sonne commended his little child unto his care, and then died suddainly. Wherefore the grandfather was so greatly moued with compassion that he adopted the child for his owne, and made him coheire with his other sonne, who being therewithall displeased, accused his father to bee void of his senses, but he gain said him thus:

THis were a verie new manner of losing a mans wife, seeing that by your saying I should bee verie wife, if I did not know those which were mine owne. Truly I did expect that some bodie should haue intreated or requested mee to haue reuoked this my poore forsaken sonne, but no man durst be so bold, seeing thou which wert his brother, diddest neuer doe thine indeuor therein: wherefore it is to bee supposed, that all men knowing thy ambition to bee sole heire, they feared to displease thee. Alasse this poore mans life was onely prolonged but vntil he might speak with me, and when hee had once heard me, he opened his eies, (shut vp in a manner already) to see me, retaining his fleeting soule but only whilest hee bad me farewell, so that I may rightlie say hee left both life and child in my bosome. To conclude, I well perceiued by his end (but alasse too late) that he was truly my sonne, but thy rigorous crueltie towards him, and thy great ingratitude towards me, maketh mee in doubt whether thou art his brother or no.

The Answer.

THe father of this child is vnknowne, and although he were, yet doe your owne deeds sufficiently testifye

Of a iudgement twise to be executed

stifie that you are not well in your wits, if you forlooke my brother without a cause: but if he were worthie of your displeasure, he did yet further deserue it in marry- ing with a lewd woman, and if he by this mariage were the more vnworthie to be reuoked, much more vnwor- thy then is this bastard and vnknowne child, to be your heire: so that I know not whether of the two iniuries you do vnto my brother is the greater; either in taking away part of his brothers inheritance from him, or in a- dopting him a false heire. Being perswaded and impor- tuned by this dishonest woman, hee recommended vnto you his sonne, which he did very wel know he ne- uer begat: but what cannot such women persuade? Or what will he refuse to doe for a whore, that was not ashamed to giue himselfe vnto her? How then can you be iudged wise in adopting another mans sonne, to di- sherit your owne?

Declamation. § 2.

Of the vnchast woman that was adiudged to be throwne headlong down more then one time.

A Woman that was attainted of whoredome, and for the same condemned to be cast headlong downe from the top of an high tower, being readie to bee throwne downe, did pray vnto God that he would declare her innocency, in preseruing her from death; her prayers being ended, she fell from the top downe to the ground without receiuing any hurt at all. Neuerthelesse, the Marshall would haue throwne her downe againe. Wherevnto she replied in this sort:

Where-

WHerefore wil you resist the wil of God, which hath preserued me? And were it not so, yet is the iudgement accomplished. I was (though wrongfullie) condemned to bee throwne headlong downe, I haue so ben, my iudgement and execution being accomplished, what would you els doe? Am I not acquitted, Seeing that it was not said that I should bee executed anie more then once? Neither is any man euer executed two times, especially because euerie iudgement ought rather to be mittigated by clemencie, then aggravated by crueltie. If you would punish me for the offence which you suppose I haue committed against God; seeing he hath declared me to be innocent, why would you offend him in punishing me? It is the vsuall place from whence others are throwne downe, wherefore it is verie likely, that if I had ben guiltie, I should no doubt haue died as well as they.

The Answer.

THou shewest thy selfe to be as shamelesse at thy punishment, as thou wert when thou diddest commit the offence which thou wouldst now denie. Knowest thou not that deniall after sentence is once past, is nothing auailable? The meaning of which sentence must be interpreted, which is, that thou must die, likewise it is either a chance that thou art not dead, or els thou vnest some charmes or witchcraft: for were it as thou saiest, that God would haue thee saued for thine innocencie; he would rather haue defended thee before thou haddest been condemned falsely, then sheilded thee from death after thy fall: but it is more

Of her who from the stewes claimeth

more likely that he would prolong thy paine, because so short a death is too easie for so hainous a crime as thine is: or els because thou hast committed other offences, he would haue thee cast down more times then once; for God is not so slacke to helpe the innocents: He saued *Susanna* before she was stoned, not suffering the stones to touch her bodie. Finally, if it be his diuine will that thou shouldest be vnpunished, thou shalt haue as little hurt at the second or third throwing downe as thou haddest at the first.

Declamation. 53.

Of her who hauing killed a man being in the stewes, claimed for her chastity and innocencie to be an Abbesse.



The order of the religious women is such, as they must be pure, chaste, and free from all crime, but the Abbesse must be the chafest of all the rest. Whereupon it chanced that a certaine yoong Nunne of Naples was to saile into Sicilie to be an Abbesse there, but her misfortune was such, that she was taken vpon the sea by Pyrats, they sould her vnto a bawd in Barbarie, who put the said Nunne into a Brothelhouse to get monie by her, but she declaring her misfortune vnto such men as came to take their pleasure of her, did so win them by her persuasions, that they giuing her the accustomed reward, left her a virgin: untill that on a time there came vnto her an insolent souldior, who would in no sort regard her speech but hauing paied his monie, would by force haue had his will of her,

her, and as he was struuing with her, she drew his dagger forth of his sheath, and slue him, for the which she was put in prison, but being before the Iudges, shee was not onely acquitted of the murder, but also they sent her back vnto Sicilie vnto the place whether shee was determined to goe. She being there arrined, they would not receiue her for Abbesse, but said:

His woman here which would be an Abbesse, should yet haue ben in the Brothelhouse, if she had not murthered a man; but can she be chaste, comming from such a place? Nay let vs see whether it be lawfull to receiue such into monasteries, whom the stewes and the prison forsaketh, Seeing the order of religion may very lawfully be denied, euen vnto those as doe but onely passe by such places: she saith fortune constrained mee vnto these inconueniences, therefore ought euery one to haue compassion vpon me: but wee say that those which are worthie of pittie, are vnworthie of a prelateship, neither is it a custome amongst vs, that such places as are of greatest honours should be bestowed in recompence of sustained harms, seeing that the only freeing them from their laid harms may serue for a sufficient recompence of their passed miseries. Likewise, we may consider how smally she deserved by the little care her parents took of her distresse, not onely in suffering her to be lost or taken away, but being taken neuer sought either to recouer her, or once to seeke her out: and what did the Pyrats see in her that they rather sold her vnto a pandor, then to a Princessse, or to some other honourable ladie? If she knew how to persuaade so manie men to leaue her a Virgine, (as she saith) wherefore could she not persuaade her mistressse to suffer her to gaine her liuing by some other means,

Of her who from the stewes claimeth

means, rather then to put her forth to so vild a vse; or els why did she not as *Hippo* the faire Grecian did, who leaped into the sea so soone as she perceiued that she was taken by Pyrats. Alasse if this woman obtaine the Abbessship, greatlie are the Nunnes of this order to be pittied, if amongst them there cannot bee found one more chaste then an harlot, or more innocent then a murtherer. She cannot be chaste inough to rule ouer vs, especiallie seeing she saith; I knew how to persuade all those that came vnto me: the which sheweth a certain token of her immodestie, for otherwise how could she haue pratted so well in that place where such as were modest would haue burst into teares, and without being able to speake one onlie word, would haue died for shame. Let vs then take the case thus: that in her there are three do claime to be Abbesse, the first, is one taken by Pyrats, the second such a one as hath liued in the stewes, & the third she that murthered a man, of whom the best is farre vnworthie of anie honour.

The Answer.

GOD herein was minded to shew his power, by making this woman free in bondage, chaste in a dishonest place, and most innocent in committing murther to defend her chastitie. I know not whether anie did euer deserue the place of Abbesse so well as she: but I am sure there would bee somewhat to doe to depose all the Abbesses that are lesse worthie then shee. How chaste she is, the blood of the flaine souldior doth testifie; how innocent she is, the Iudges doe declare; how happie she is, her returne doth shew. Wherefore it is verie manifest that God would neuer haue preserved her

her from so manie perrils, if it had not ben to serue him in some worthie place. Therefore the same God which hath protected her, is himselfe alone a further testimonie of her chastitie, and he onely is able to comprehend her admirable valor.

Declamation. 54.

Of him who against his fathers mind perswaded his sister to cause him to die that had forced her.

THe law is, that whosoever killeth a man by chance, he should be banished or put to exile for five yeares: likewise euery maid that is forced or rauished, may chuse whether she will haue the rauisher die, or whether she will haue him to be her husband. Whereupon it chanced that a certaine man which had a son and a daughter, was exiled for the cause aforesaid: his daughter that remained with her brother in the house was rauished by another yoong man, who after his fault committed, fled vnto the maidens father, with whom hee so much preuailed, that he obtained letters from him, wherein he commanded his daughter to chuse her said rauisher for her husband, and not to require his death; the father likewise writ vnto his sonne, intreating him to persuade his sister to consent therevnto: who on the contrarie constrained his sister to demand his death, so that the father at his returne did cast off and disherit his sonne, saying:

A Lasse my misfortune is intollerable, seeing that I being (as alwaies I haue been) a louer of the Commonwealth,

R

monwealth, haue notwithstanding bereaued her of two men, and both against my will, yet not without being culpable therefore; in the one manslaughter I was abused by fortune, in the other by him who is in name (yet not indeed) my sonne, that hath inforced his sister to disobey her father, as well as he, in a iust commandement, and caused her to obey him in a cruell reuenge, some may say that it is incident vnto man to offend, it had ben a sufficient excuse, if I had not both aduertised and intreated him the contrarie, and also if hee had not knowne the grieffe which I alreadie sustained for being the cause of a mans death, and that I did therefore owe a citizen vnto the commonwealth, whom I might haue satisfied in sauing the life of this same man, by whom manie others might haue ben begotten; so that hauing flaine the other vnaduisedly, I might haue saued this circumspectly: but thou because thou wouldst haue no nephewes by thy sister, and that thou mightest cause me die with sorrow, hast broken my purpose, wherefore I iudge thee vnworthie of the heritage, which so plainlie thou seekest to obtain by so many vnreasonable means.

The Answer.

THe death of a good Citizen, cannot be repaired by sauing the life of a wicked caitife, for that is no satisfaction, but rather a double offence vnto the Commonwealth: Moreouer, those children which should bee borne by the marriage of a rauisher would serue but for witnessles of their fathers shame, and the wrong done vnto our stocke, the which ought not to bee increased by him that had double wronged them, hauing not onelie iniuriouſlie assailed the house of an
exile

exile (although the affliction of the afflicted ought not to bee increased) but also after hee had wronged him, without anie shame at all comming before him, he first made him priuie to the iniurie, and in a manner both constrained him to consent vnto it, and to allow thereof: wherein then haue I offended? By complaining of the iniurie done to my absent father: I cannot be either forsakē or disherited, becaus I haue done but according vnto law. Likewise my father who was so far off from the place where the wrong was committed, could not well iudge thereof, seeing that his grieve being absent, could not be like ours that were present, and also the estate wherein he was, together with his age, made him to indure wrong better then I could. Furthermore, the adulterer knowing the horriblenesse of his crime, went to make his agreement with him who was ignorant of the truth, and returning hether, hee renewed the iniurie, proudly commanding vs to like of his marriages, by vertue of certain letters, that (it may be) he either obtained by force, or at the least gained by frawd. No man is vndone too late at anie time, but a manifest vndoing is it, to giue ones daughter vnto such a one, as with the helpe of such wicked impes as himselfe, hath both defloured her and dishonoured her, breaking into our house by force of armes. I belecue he would neuer tell you all this (father) or if he did tell you, and you were content therewith, or that you bewaile his death anie more, you are no lesse faultie then he.

Declamation. 55.

Of him who gaue ouer his betrothed wife vnto his sicke son.

A Certaine man had two sonnes, neuerthelesse hee was betrothed or made sure vnto a yoong maiden, with whom one of his sonnes became so far in loue, that he fell sicke, and no doubt he had died, if the Phisition had not told his father that his sonnes disease proceeded of loue, whereupon the father came vnto his son, praied him, coniured him, and lastly threatned, not only to curse him, but also to kill him, (holding his sword in his hand) if he would not manifest vnto him the cause of his sicknesse, and what she was whom he loued, wherfore the sonne seeing himselfe in such an extremitie, trembling and weeping, confessed that hee was in loue with his mother in law; the father to saue his sonnes life yeelded her whom he had betrothed vnto him, and caused them to be married together. The other sonne who was enuious against his brother, accused his father to haue lost his wits, the which the father denied, saying:

IT is thou that hast lost thy wits, or at the least art vtterlie blinded with passion and ill will, so that thou wilt be the cause, that euerie man will bee amased at such an act as was neuer seene: that a mother in law should bee more pittifull vnto her sonne in law then thou art vnto thine owne brother. Callest thou that want of vnderstanding, when by my wisdom I saue my son, in granting him her, who in no sort was agreeable for me: I say that in keeping her from him, I should haue lost my wits, seeing that she might haue done ill, I might not haue done well, and my sonne should haue died: I am sure that he loued her better and more feruently then I did, therefore is she due vnto him, what wrong do I thee? Art thou angrie to haue thy brother, and not a mother in law? I did draw the sword before
his

his face, the which no man could take foorth of my hands, but only himselfe in confessing the truth. Lastlie, all that a father doth to saue his sonnes life is not onlie very excusable, but to be accounted for exceeding great wilddome and iust pittie.

The Answer.

IT had been better for my brother to haue died, then to haue caused his concupiscence so apparently to be disclosed, Seeing the best that can bee said of him is, that hee was healed by adulterie: that you haue saued him by execration, and she hath holpen him by abomination. Why may not that bee tearmed worse then adulterie which is done chieflie by the commandemēt of the husband? I know not whether you haue shewed your selfe more mad in betrothing this woman, or in forsaking her, or els in marrieng her againe with your sonne? But how farre besides himselfe is hee, that thinketh it a good deed or a good turne to commit whoredome? A wise man (no doubt) that drew his sword, not to punish adulterie, or to eschew the slander thereof, but rather to inforce his wife and sonne to commit adulterie together. My brother ought rather to haue perished, then to bee cured so perniciouslie; but suppose that if he had lusted after his sister, or his mother, ought hee to haue had either of them? These remedies are more dangerous, and more greuous, then danger, mischief, or death it selfe. But all this hath ben compacted berwixt the son, the betrothed woman, and the Phisitron, who likewise claimed an interest therein; And thus the disease, the cure, and the adulteries proceeded of your follie.

Declamation. 36.

Of a man that is found dead in his bed, his wife wounded, and the accusations together with the witnesse of a child.

IT chanced that a certaine man being a widdower that had a sonne, married his second wife, by whom hee had another son: and because his first sonne did but badly agree with his mother in law, the father gaue him part of his house, which was neuer thelesse diuided with a wall, so that they were senerall: likewise this old man had a receauer or factor which was a yoong man and a faire, so that this man was somewhat suspicious that he loued his wife, which iealousie was not a little increased by the sonnes persuasions, so that thereby oftentimes there chanced such braules betweene them, that his factor and he were upon tearmes of parting. Whereupon it happened, that shortly after the nieghbors through the wines exclamation, ran into the house, where they found the Goodman slaine in his bed, his wife wounded, and so much of the common wall broken downe, that a man might easily passe thorow it: wherefore not only the sonne, but also the factor was suspected to be guiltie of this murder; and hauing apprehended them both, they brought them before the child being of three yeares old, who did lie in the same bed, and asked him which of them it was that had beate his father, the child pointed with his finger vnto the factor, wherefore the son accused him for murdering his master: but the factor through the breaking of the wall, accused the son for murdering his father saying:

O How wicked this world of ours is, seeing that it hath brought forth so cursed a man, that hath at one instant both murdered his father, & would haue don the like to his mother in law! so that I beleene the feare of missing did in some sort hinder or stay his murderous hand, from giuing so great a stroke as hee intended, and she fained her selfe dead least his purpose should haue been effected; or to saue her husbands life, whom this traitor hath murdered least he should haue been a witnesse against him for the fact, as also because he did most vnnaturallie hate him, for the kind and honest loue the man did beare vnto his wife, and therefore he sought the means to expell me from hence, that hee might better accomplish his wicked enterprise, for two are more easilie slaine then three, and it may be that he did put on such like apparell as mine to abuse this poor infant, and to corrupt his innocencie by false testimonie: but what witnesse can be more manifest, then the breaking of the wall, the which is likewise pulled down, for the desire he had to murder his mother in law.

The Answer.

I T is verie apparent that thou comest neither vnprovided of sophistical arguments long before premeditated, nor that thou art anie whit abashed of this murder, seeing that the horror thereof doth nothing hinder thy tongue from babling. O miserable man that I am: hearing the noise I ranne thither thinking to haue seene the adulterers taken, but alas I found my father killed, which doth astonish me in such sort as I will onely answere that I doe not onely

Of him that would compell his son to

rest vpon the childes demonstration, but vpon his further affirmation, although thou hast of long time kept him in awe, so that in pointing to thee with his finger, hee hath both declared thee to bee the murtherer, and also that thou hast oftentimes forbidden him to accuse thee for the lasciuious kisses proffered in his presence: there is not anie witnesse more sufficient then the pointing of this innocent child who is of sufficient age to be able to know and discerne, although not subtile inough to deceiue faine or lie. If thou saiest that one witnesse is not sufficient, then wil I stand vnto the peoples censure, and will not refuse that thou she and I may bee all three examined by torments, for God the right and fortitude shall be for the innocent.

Declamation. 57.

Of him that would compell his sonne to marry with his sister in law, that was by him accused of adultery.

A Man had two sonnes, to the one whereof hee gaue a wife, who being married, made a certain very long voyage into a far cuntrye, during his absence, his brother tooke such an hatred against his sister in law that hee accused her of adultery, but yet not before the Iudges, whereupon her husband being returned, took a bondwoman that was his wifes seruant, and caused her to bee tortured so extreemely to know the truth, that shee died with the torment not confessing anie thing, wherefore his father, that loued his daughter in law, did sharply reprove him, that hee would so lightly conceiue an ill opinion of her. He as well for greefe that he had wrongfully suspected

pected his wiues honestie, and vniustly killed her bondwoman, as also to perceiue his brothers malice, and to haue procured his fathers displeasure, did dispaire, and either hanged or killed himselfe, wherfore the father willed that according to the Jewish law, the other sonne should marrie his brothers widdow, or if otherwise he refused, hee would utterly forsake him and renounce him for his heire, against the which his sonne pleaded in this sort:

YOU would haue me to marrie with my brothers widdow, whom I haue accused for an aduultresse, (as in sooth she is) who caused both my brother to kill himselfe for griefe, and compelleth you to disherit me. I belceue that you tempt me to take her to trie whether I did accuse her wrongfully or no, for you your selfe would neuer giue mee an aduultresse to wife: but you might thinke, if I did take her that she is chaste, and I am false: truly if you could make mee to marrie her that both hateth me mortallie, and I know to bee a dishonest woman, one might then assuredlie belceue that nothing would bee euer impossible for you to effect. But why would you compell me to make her my bedfellow that hath made mee brotherlesse? Her I say that is the cause of her husbands death, of the discord twixt you and me, of the scandale to our lineage, and of the peoples murmuring? I haue alreadie chosen a wife that loueth me, that will follow me if I will, that wil neuer forsake me either in aduersitie or prosperitie, and finally that will bee such a one vnto me as a wife ought to be vnto her husband, which will be more worth vnto me then a most great inheritance; whereas if on the contrary I should marrie this woman, euery one might suppose that I loued my brother but little, to wed her that was the cause of his losse.

The

The Answer.

THere is nothing more reasonable (seeing thy brother was desirous by his death to acquire the wrong which he had don vnto his wife, by giuing credit to thy false accusation) then that thou by marrying her, mightest also declare her innocencie; for the shortest follies are best: wherefore it were better for thee to confesse, and blot out thy fault by doing well, then in persecuting alwaies in thine obstinacie, to shew thy selfe in a double fault, for thou art the onely cause of all these chances and slanders which thou obiecest, therefore in not making amends for thy fault, I may lawfully disinherite thee for thy follie.

Declamation. 58.

Of the sorceresse, which poisoned her son in law, and accused her owne daughter to haue ben consenting there vnto.



He law appointeth that euery woman which w-
seth poyson, being conuined of the crime, should
be tortured, untill she accused such as were par-
takers or consenting vnto her wicked act. Where-
upon it happened that a man hauing but one
sonne, married a second wife, of whom hee had one daughter,
who being of reasonable yeares, the sonne died of poyson, and
the mother in law is not onely suspected for his death, but accu-
sed and conuined thereof; wherefore she being laied vpon the
racke to make her confesse such as were consenting to her fact,
she

she accused her owne daughter, so that shee was adiudged to bee burned with her mother: but the poor father gainsaid it thus.

AH miserable child, seeing thy mother hateth thee as much as thy father loveth thee; O mischeeuous woman that even vnto thine owne daughter thou art worse then a stepdame, art thou not sufficiently glutted with thy passed murthers, but thou must further gorge thee with thy daughters massacre? But who knoweth not that such kind of people desire not to die without slaughter? Wherefore amongst the fencers, or souldi-
ors, that combat is most cruell which is fought against a desperate man that is sure to die: no doubt but they that may not liue, will procure any murther if they can, for the death of others maketh them the lesse to bewaile the life which they are readie to lose; and where despaire is, there doth rage abound, because the horror of death, filleth their courage with furie, & they resemble certaine beasts that bite those weapons wherewith they are wounded, & being thrust through, they make their wound the greater, that they might approch neere him that hath gored them. But how should she feare to belie one, that taketh a pleasure to poyson anie? Why will not she effect my daughters death, that without anie cause wrought my sonnes decay? But what sonne? Truly euen he that might haue been beloued of euerie stepdame that had been lesse wicked then she, that cannot so much as loue her owne husband. But to do him a dispight, she hateth her owne daughter to death, and remembering that she was a mother in law, forgetteth that euer she was a mother indeed: let then the truth of the innocēt father be of more estimatiō thē the leasings of the guiltie mother, seeing that in the extremitie of death.

The accusation of Cato against Flaminius

death or torments, the wicked doe neuer speake truth. For prooffe whereof, a bondman that *Cato* had, being conuincd of theft, and tortured therefore, affirmed that *Cato* was accessarie to the theft, who was then better to be beleeued, the bondman and the torture, or *Cato*? In like sort you are more to credit the innocencie of the daughter, then the malice of the mother.

The Answer.

THere are some beasts so raging mad, that their yong ones are no sooner brought forth, but they become as fierce as their dames, wherefore it is best to strangle them while they are yoong; likewise the venomous hearb taketh his poyson from the root, how much more then may this girle be wicked, being born of a mother so execrable, and so much the rather, because the daughters doe alwaies resemble the mother more then the father: how greatly then hath her wicked nature ben furthered by lewd counsell, with hope and ambition to be her selfe the sole heire? Which was the principall occasions, that this stepmother poysoned your sonne, and that the daughter consented therevnto: wherefore it were no reason that shee should escape punishment.

Declamation. 59.

Of the Prætor that caused the head of a malefactor to be cut off at the request of a whore.

Flaminius



F Laminius the Romane Prator governing in France, sitting at the table with a common woman whom he deereely loved, shee said vnto him, that she had of long time desired to see some man executed by iustice, but shee was ashamed to goe vnto the common place of execution. Whereupon he forthwith commanded a condemned prisoner to bee brought, and in the hall where he supped, hee caused him to bee beheaded in his presence: the which deed was reported at Rome, wherefore a long time after Cato accused him of Treason against the Commonwealth, saying:

THe enterludes, comedies, flatteries, whoredomes, and other trickes farre vnworthie a Romane Prætor, might verie well haue sufficed, without further adding therevnto a spectacle so cruel, for the recompence of a banquet so lasciuious. It may be one only kisse of a minion, bought all the whole blood & life of a man, so that he might be iustlie termed a worse hangman which sat at the table to behold the same with pleasure, then was he which smit of the head, perchance not without pittie: I doe not seeke to rip vp all the faults of so many yeares past to accuse him, but that one onely night his act. It is more likely that he which bestoweth much vpon a woman, would denie her the slaughter of a man, the it is possible for him which granteth her the slaughter of a man, to denie her any thing; if thou wouldest whip a slaue, wouldest thou not carrie him forth of the banqueting hall? But who would euer haue beleueed that a whoore should haue desired to behold the hangmans sword vpon the cupbord, and the table to be stained with humane blood: but yet who would haue thought

The accusation of Cato against Flaminius

thought that euer any Romane Prætor could haue granted such a matter? Oh what an abominable act is this? But what shall I say, seeing the Romane Empire hath ben in such sort blemished, and the law rather polluted, then the offender thereof punished? Forsake your graues, O you *Bruti*, *Horatii*, *Fabritij*, and all the rest of you who were the ornament of this Empire, alasse behold how your rods, axes, and other signes of office, haue ben abandoned vnto dishonest damfels onely to please them, and to make them sport: euery offence that is committed by a Magistrate vnder coulor of his authoritie, is more punishable then anie other fault; for the Magistrate is a spectacle for all other men, because all men doe marke and cast their eies vpon his acts, and this man whilest the beholders, the hangman, and the poore prisoner, stood all looking vpon him, suffered both his owne eies, and vnderstanding to bee rauished by the lookes of an harlot. O earth cover this abomination, to the end that it may be no more remembred.

The Answer.

If hipocrisie or secret ambition did not more prouoke thee then doth the zeale of the Commonwealth, I suppose thou wouldest haue ben as slacke in accusing me, as thou knowest the same hath in no sort ben wronged by me, because the Commonwealth can no more bee disgraced by one mans folly, then it may be dignified by one alone mans forwardnes: but as nothing is well said which is not rightly vnderstood, so is nothing well done that is wrongfullie interpreted, otherwise I should be vntouched of crime, and you not vntaxed of slander. For the

the Commonwealth is able inough to reprocue that which is not done according to reason and equitie, but also to reprehend whatsoeuer is vnprofitable for it. Haue not the Senat and people refused to hold those agreements which were made by their Emperors or Generals, and sent them bound vnto the enemies? If they haue not allowed the faults of two Emperors together, wherefore should the fault of one onlie Prætor be laid vnto their charge? (If to execute a man by iustice may be termed a fault.) But what need you to inquire where or when such a one did die that was worthie to die? You say that I haue slaine one; It is true: but whome haue I slaine, saue only a condemned man? You aske when and where? I answer that it was in the night, and in the common hall. And I doe aske you if anie time or place is limited wherein or where a malefactor ought to suffer? and although there were, yet who knoweth not that in the presence or companie of a loose woman, there is alwaies little good performed? and that the common hall or the prison is no other then a place of horror and miserie for offenders? But it hath beene an ancient custome at Rome, that against such as they cannot charge with any great crime, they would faine find out some small occasion of quarrell, like as they sought to condemne *Brutus*, who did afterwards recouer their libertie, and so did they accule *Manlius* of inhumanity, *Silla* of crueltie, *Marinus* of ambition, *Lucallus* of superfluitie, and manie others of couetousnesse. But touching my deed, what art thou more the the other Censors, that haue ben euer since the fault which thou chargest me withall, who haue nener accused me therefore, not that they are any whit thy inferiors in wisdom, or equitie, or that they are lesse louers of the Commonwealth

Of a man without hands that renounced
wealth then thou, but because they could better then
thou consider that it was not lawfull, and lesse reasona-
ble to blemish so many worthie actions of our linage,
for a small vanitie of one alone, who cannot yet bee
said to haue done any act, either contrarie to dutie or a-
gainst iustice.

Declamation. 60.

*Of a man without hands that renounced his sonne,
because he would not kill his mother being found
in adulterie.*

THe law saith, that if any man doe take his wife com-
mitting adulterie, it is lawfull for him to slay them
both her and the adulterer, but yet it must be without
deceit; likewise it saith, that the sonne may reuenge
the adulterie for his father. Whereupon it happened that a mar-
tiall man lost his two hands in the wars, and as one mischance
doth neuer happen alone, within a small time after he surprised
his wife in adulterie, and finding himselfe unable, he comman-
ded his sonne to slay them, the sonne would not, whereupon hee
renounced him for his heire, saying:

I Shall then by thy fault amongst all men bee he alone
that hath neither pardoned nor punished adulterie;
but who in this case will not imagine that either I had
no sonne, or that my sonne had no hands? Yet my
greatest griefe consisteth in this, that I know the con-
trary. Alasse, in finding the adulterers, I felt in good ear-
nest how great a misse I had of my hands, alacke I lost
them in the warres, and my sonne could not find his in
the

the house; wherefore I may say that he stood mee in as little stead as my sword which I could not vse. How shall he either vanquish the enemy, or defend his countrey, which hath denied the helpe of his hands vnto his father? When will he fight for vs, that could not fight for himselfe? Get thee packing then with the adulterers whom thou hast suffred to escape, and leaue me rather alone, then so badly accompanied. Thou saiest thy heart would neuer serue thee to kill thy mother; why dost thou not also say that the adulterer is thy father, as I doe verily belecue, and thou dost shew he is? Seeing thou soughtest rather to please him in a matter vniust and execrable, then me in that wherein by the gods, law, and reason, thou wert commanded. Wherefore it cannot bee said that I doe either renounce or disinherite thee without a cause.

A very notable answere of the sonne.

ALas, me thought it was in a maner all one to murder my father, as to kill my mother in his presence; and as it was neuer allowable in a reasonable man to be cruell, so were rigorous laws made more to terrifie all, then to torment anie; for if the law be strict, the interpretation thereof is large, and they ought to tend rather vnto clemencie, then crueltie: a great mischief can neuer be appeased in committing two others. Moreouer, the pleasure of reuenge doth suddainlie vanish, but the contentment of mercie dooth neuer vade; so likewise dooth euery pittifull heart melt, in thinking vpon the horriblesse of murder, wherefore with the spectacle of a misfortune so suddaine, all my bodie became sencelesse. You good father did lacke your hands,
S.
but

Of two maidens rauished by one man, one
 but before I could recouer my spirits, I lost al my mem-
 bers ; yet was the mischiefe which you commanded
 more great, then all the miserie which had happened
 was greuous : pardon me then if I did not accomplish
 your commandement, in a thing which farre exceeded
 my strength and courage. A father pardoneth his son,
 if he refuse to faile, because hee cannot brooke the seas,
 & that his heart dorth faint as mine did ; the like happ-
 neth if his heart serueth not to goe vnto the warres, al-
 though he bee the sonne of a warlike father ; for euery
 man is not boorne to manage armes. And it is to be con-
 sidered for what intent the law saith that it is lawful for
 the father or the sonne to slay the adulterers : Truly it
 was because the lawmakers were not ignorant that there
 were some men which either could not or would not
 kill one another, what can I doe with all if we are both
 of the same number, you made by the warre vnapt, and
 I by nature vnable: wherein then can you blame me, sa-
 uing that the adulterers are escaped, because you were
 maimed and I mased or almost in a swound? If the
 fault then be common, why should I for the same bee
 onely condemned?

Declamation 61.

*Of two maidens rauished by one man, for the which
 the one required his death, and the other desired
 him for her husband.*

The law permitteth a maiden that is rauished, to chuse ei-
 ther the death of the rauisher, or to take him for her hus-
 band. Whereupon it chanced that one man deflowered

desiring his life, the other his death. *Declam. 61.*

1255

*two maidens in one night, so that the next morning the one requi-
red that he might die, and the other requested to haue him
for her husband, wherefore she that desired his death, said thus:*

WHo did euer see anie man saued for one of-
fence, by the meanes of another fault farre
more hainous? For if sinne proceed from hu-
mane frailtie, to perseuere in the same is a diuelish ob-
stinacie; one defloured maid accuseth him, the other
defendeth him: reuenge you our cause then O you iud-
ges, let the seueritie of your discipline bee redoubled,
seeing the crime is double: the people doe already se-
cretly desire it, for he hath not onlie forced or rauished
twaine, but I alone haue ben defloured by twaine, that
is to say, by him that did the deed, & by her that would
preserue him from death: must he be suffered to liue, that
hath deserued to die twise? Had hee but deserued one
death onlie, he should not liue anie longer, because no
bodie would haue defended him; but this woman
would vnto our shame verifie the Prouerb, which men
do impose vpon our sex, saying, That women are selfe-
willed, and that they do alwaies chuse the worst. If thou
haddest ben the first that had ben forced, I doe hardlie
beleue that thou wouldest haue desired him for thy
husband. To conclude, as thou canst not sue anie fur-
ther in his behalfe, saue onely that thou maiest not bee
deprived of thy choice; so also canst thou not abridge
me of my request: it is in thy choice to saue his life for
the fault he hath committed against thee, but thou canst
not command his life for the iniurie done against mee,
seeing that I was first wronged, let me be first reuenged,
and afterwards thou shalt wed him if thou wilt.

The Answer.

THou saiest that thou wert the first that was wronged, I doe not know so much, and therefore affirm that it was I; or if I were the last, the was mine the greater wrong: for that which hee did vnto thee, may bee excused, either by loue, or necessitie; but what hee offered vnto me can be no better rearmed then intolencie, malice, or disdain, seeing that then his greatest heat was past: neuerthelesse, considering that clemencie is more naturall vnto our sex then crueltie, I say that where the prerogatiues or claimes are of equal force, there is more respect to be had vnto humanitie then rigor: and if you alleage vnto mee the examples of *Lucrece* and *Virginia*, I will in like sort alleage vnto you the *Sabines*, and others, no lesse honest but more discreet, and the greater number, from who hath proceeded greater good, winnesse so many worthy Romanes issued from them. His death can serue to no other end, but to eternise the memorie of our infamie, either by the publick or secret reuenge of his kindred: neuer did any mans death profit a woman. Lastlie, if thou thinkest that thy honour deserueth his death, I answere that mine is not vnworthie of his life, and I beleene that the iudges will affirme my wish to be more iust then thy will.

Declamation. 62.

Of him that his father did disherit, because he went vnto the wars.

HE priuiledge of the war was that he which had ben thrise a conqueror, should bee freed from going to the warres any more. Whereupon it happened that a certaine Romane, which had bene thrise a conqueror, would retorne vnto the warres against his fathers will. Who seeing that hee would needs goe, did for his obstinacie disherie him, wherevnto the sonne pleaded in this sort.

First I am bound vnto God that hee hath made mee three times victorious; and next vnto him, am I bound vnto my countrie, for the loue which I haue born vnto it hath ben the cause that I did fight and got the victorie; wherefore after I haue performed my duty vnto these twaine I will obey my father in all things, who ought not to be against the publick good, and my glorie: it may be that he himselfe hath not ben thrise a conqueror, wherefore it is requisit that I should supplie his default, or my childrens defect, who peraduenture shall neuer be of such desert; but why would you dissuade me from fighting after the obtaining of three victories, Seeing that they doe yet fight whome I haue thrise vanquished? As the Senator which is past threescore yeares of age, may chuse whether he will come to Counsell yea or no, and yet such as are much older do notwithstanding come thether so long as they liue, so is it lawfull for me to goe vnto the warres, when honor commandeth me, as oft as I list. In that which is past, I haue done no more then my dutie, and therefore I deserve no reward, but that which hereafter I shall doe of free will, shall merite a recompence. You would haue him to be idle, that neuer loved ease; you see the danger wherein we stand, all the Cittizens doe fixe their eies

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vpon

Of him that his father did disherit, for

vpon me, and to speake the truth, the Commonwealk doth yet owe me nothing for my passed victories, seeing that it could not excuse me from the battaile, but now the same law shall allow it to be desert, which before did appoint it a dutie. Seeing then that what I do is but for your profit and honour, why should you disauow me for your heire, mee I say which will fight to maintaine your life, your house, and the inheritance which you will take from me.

The Answer.

THou doest acquit thy selfe towards God and thy countrie in obeying thy father in a matter both lawfull and reasenable, for the Commonwealth hath as great need of pittifull and obedient men vnto the lawes, and their Parents, as it hath of such as are valiant, wherefore thou art bound to be both the one and the other; thou art already knowne to be valiant, bee thou then likewise knowne to be pittifull, obedient, and louing towards thy poore father, who shall die if thou shouldest miscarrie by thy ouer boldnesse. Doest thou thinke to be victorious in fighting against the law and the will of thy father? No, for God is too iust. *Aeneas* was not so much praised for all his heroicall deeds, as he was commended for louing his aged father, and for preserving him from the Troian fire. Doest thou wonder if thy father be no lesse carefull for the safetie of thy person, then the law is which forbiddeth thee to hazard thy selfe anie more in the like perill. I had rather to renounce thee suddainlie, then hauing lost thee in the warres, to be attached with a double sorrow: it is therefore in thy choice to remaine my sonne or no. It is a far greater

greater vertue to bee able to containe thy selfe within thy bounds, then to perish in this battaile: thou shalt go in greater danger to lose thy gotten reputation, then to inlarge thy future renowne; therefore thou being my sonne no longer, my griefe shall be the lesse.

Declamation. 63.

Of him that appeased the father of a maiden whom he had rauished, and yet could not pacify his own father.



He law commandeth, that if any man do rauish a virgin, that he should die therefore, vnesse that within thirtie daies hee doe both pacifie or appease the next of kin vnto the said damsell, & likewise the neereft of kin vnto himselfe. Whereupon it fell out so, that a certaine yoong man rauished a yoong virgin, and before the prefixed tearn he had thorowly appeased the maidens father, but yet his owne father would by no means be satisfied, wherefore he accused his father to haue lost his wits, saying:

HOW can that man bee said to haue his vnderstanding, that is more cruell vnto his owne son, then is he that hath been offended? There is no beast in the world so fierce, that seeketh not to preserue that which it hath engendered; whereby it appeareth that those which do otherwise, may be iudged to haue lesse vnderstanding then brute beasts. If you thinke that I haue wronged you in not comming rather vnto you as to him whom I was most bounden vnto, then vnto the

Of him that appeased the father of a maiden

virgines father; You must consider that it was because he was more wronged then you, and that I iudged you more pittifull then he, and hee harder to bee entreated then you. But alasle infortunate that I am, I haue found mine enemy more fauourable then mine owne father, so that I know not what els to say, but that amongst such men as haue their wits, the loue of the father doth alwaies exceed the sonnes follie. If it please you to saue my life, or if your crueltie bee such as you loath to see me liue, speake, for the time is at hand: But I grieue not so much to die, (if you haue lost your wits) as I sorrow for the perpetuall mone that you will make, in that you haue ben the abridger of my daies, when as time more then reason shal haue mittigated your choler, and restored your vnderstanding, whereof now I may well say you are deprived, or at the least that the same is mightily deminished.

The Answer.

THou saiest that the maidens father was more wronged then was I, I graunt it, yet canst thou not likewise deny but that I haue greater cause of offence the he: for thy force did take away the maidens shame, but I shall bee euer dishonoured to haue begotten a son so dissolute, that hath displeased his father, wronged a Cittizen, deflowered a virgin, defamed his stocke, and giuen cause of offence vnto the Commonwealth. It is thou that wantedst thy wits, seeing thou couldest not know that at one instant thou shouldest not haue committed so many mischieses together; and most mad thou wert, if in knowing the same thou couldest not shun the same, but heaping one offence vpon another, thou


thou wouldest slander me to haue lost my wits, whereby it appeareth that as vertues, so are vices linked together. Thou accusest me before I haue condemned thee, the rearme is not yet expired, I do very well know that thy life and death are yet in my choice: Haue I then lost mine vnderstanding, wherefore dost thou tremble? why doth thy tongue faulter? For what cause are thine eies troubled? The thirtieth day is not yet come: but wherefore wouldest thou that anie man should pittie thee, seeing thou wert pittilesse vnto the damsell, who when thou diddest rauish her, shewed no lesse sorrow then thou dost now? Wherefore couldest not thou consider what vice is at the first, as well as at the last, which is alwaies a present pleasure, but a parting paine, leauing alwaies either some scourge, or at the least a moste sound sorrow accompaigned with a horrible fear? but although I should leaue thee thy life, dost thou thinke to remain vnpunished? will not thin own conscience torment thee far worse then any hangman would? Nay why should I graunt that vnto mine enemy, which I haue denied vnto my sonne? For seeing thou accusest me, thou canst not be rightly tearmed my friend, much lesse my sonne. Is it to be wondered at if I rest doubtfull, seeing that the law it selfe hath neither determined thy death, nor concluded thy marriage? Thou hast alwaies behaued thy selfe as if thou haddest ben allowed to doe anie sinne, thou hast not yet intreated me as thou oughtest, but hast rather requested the other his friendship then my fauour; and hauing first appeased his furie, thou afterwards thoughtest assuredly to constrain me to winck at thy fault. Would a foole consider thus much? Tel me then wherein I am a foole: Haue I liued badly, or committed such follie as thou
hast?

Of the husband that did put away his

hast? Haue I forgotten the lawes? Haue I not counted thy daies? Can I not prooue wherefore thou art vnworthie of my fauor, demanding it after such a fashion? I haue consulted with our kinred, I haue deuised with our friends, alas! what paines haue I taken, to perform a fathers dutie. Ah me most miserable, seeing that my anger is so iust, that I cannot yet forget it. I do not wonder although thou hast appeased the maidens father, for it is easier to pardon an iniurie then a crime, yea when he came to entreat for thee, his kindnesse did the more harden my heart against thee, for me thought that a man so honest ought in no sort to be harmed: thou teldest me that the time is short, how then couldest thou find so much leasure as to accuse me? Doe men appease their misdeeds after such a manner? Is that the way to obtaine fauour? Doest thou now thinke it fit to entreat? But tell me wherefore am I besides my wits? Is it because I haue not pardoned thee? The time is not yet past, I may yet pardon thee, although thou art vnworthie, seeing thou accusest mee before I haue hurt thee.

Declamation 64.

Of the husband that did put away his wife, who being tortured, did yet saue his life in not confessing that he pretended to murther the Tyrant.

 Tyrant being suspicious that a Cittizen pretended his death, caused him to be apprehended, and committed him to prison, and there tortured him, to cause him to confesse his conspiracie, and who were his confederats,

rats; but the Cittizen would not confesse any thing, whereupon the Tyrant did also cause the Cittizens wife to be tortured, who in like sort would confesse nothing, wherefore they were deliuered and set at libertie. Within a short time after the said Cittizen killed the Tyrant, and being greatly rewarded and honoured by the Commonwealth for the deed, he put away his wife as one that was barren, because she had ben five yeares with him, and neuer conceived anie child. For which cause shee accused him of ingratitude, saying:

THat which the Tyrant was vnwilling to doe, hee that killed the Tyrant would doe, to shew himself more vniust then was hee; hee would frustrate our marriage, which at his owne request and intreat was solemnized, and to manifest his ingratitude the more, hee would needs stay vntill he stood indebted vnto mee for his life: if he ment to forsake me, he should haue put me away before I had ben tortured for his loue, the which torture is cause of my barrennesse. O miserable woman that I am, seeing that my kindnesse hath procured mee care, and my good deeds turneth vnto my decay. Is it not verie well knowne, that the constancie of my courage, and the silence of my tongue, haue ben the onely ouerthrow of the Tyrant; I then being the caule that the Tyrant can no more break the marriages of others, why should mine be suffered to be broken. But who is ignorant, that during the Tyrants life, the barren were esteemed most happie, because they could not see their children rauished at the Tyrants pleasure? True it is that I haue borne no children for the Commonwealth, but I dare affirm, that I am the cause that manie are and shall be borne, and that henceforth there shall bee no more taken from it. The Tyrant suspected my husband
his

Of the husband that did put away his

his intention; because either hee had disclosed something, or els his countenance or behaviour discovered his pretence, but yet in anie sort hee cannot complaine of his wiues tating, no not when she was in her extreamest torments, I had alwaies more respect vnto my husband that was absent, then vnto the Tyrant who was present, being more carefull of his health then fearefull of mine own hurt. But who can expresse all the preparation that was made for instruments of crueltie (able enough to daunt the courages of many men) to terrifie the constancie of a feminine heart, the whips tearing my flesh, the fire, the yron shoes, the whot eggs vnder mine armholes, the buskins, the trestles, the pullies, the cords, the napkin, water, oile, and the hangmen: yet all these together could neuer draw one onely word from me to the preiudice of my husband, but prouing by liuely reasons, the contrarie of all that was of me demanded, I was the cause of his deliuerance: wherefore doth he vaunt that he hath slaine the Tyrant, seeing the same was more easie for him to accomplish, then for me to indure so manie torments; for I haue suffered whatsoever ancient cruelty was able to inuent, & that which this present age might possible ad thervnto: what shall I further say, but that the hangmen were wearie and tired, and the Tyrant himselfe was tormented at my tortures. Hauing then bought with such exceeding pains, life, honour, glorie, and riches for this ingratifull man, why would he put me away, to take a richer wife? For one more noble he cannot haue, if that be true nobilitie which proceedeth from vertue. O how plainly doth it appeare by him, that abundance engendereth auarice, which is the root of all vice, and enemie to all vertue, as he doth very well declare: for when he was more poor,
and

and lesse wealthie , then had he more pittie, and lesse wickednesse . But what is this fellow that would prescribe nature a law , and appoint the times wherein a woman should conceiue ? Must hee be like vnto God ? Doth he not yet know that he is worse then a beast that would be better then a man ? Must he be so presumptuous ? Consider onely that if you are worthie to bee honoured, I deserue not to be hated.

The Answer.

YOU might haue iust cause to reprocue mee for your torment, if I had not reuenged your torture; if you did know that I intended to slay the Tyrant , and you neither did reueale nor confesse the same, you must not thinke that I am anie whit then more bounden vnto you for it, for it is no good deed to abstain from doing ill, but to perseuere in doing good : and I doe verily beleue that you were ignorant of my intention, for I neuer made you acquainted with anie thing, not minding to trust a prating woman (whose nature is to keepe nothing but that which shee knoweth not) with a matter which was only worthie of the aduice of a manly courage, both graue, sound, and wise, the which parts I did then know to bee vtterlie wanting in you . Nay I may trulie say that before your torments , I neuer determined to kill the tyrant , but your sustained wrongs inforced me to seeke reuenge. But although you had heard something and disclosed it not , yet was the same no good turne, but fidelitie; in like sort if you had but confessed neuer so little, you should haue beene worse tormented to haue gotten more matter from you, and you had been deemed the more guiltie in not reuealing the deed

Of a rich man that died for the loue of

deed before you came to the torture. Wherefore in confessing anie thing; you could not but prolong your paines and shorten your life, you haue then done more for your selfe then for me. Hauing then done nothing for me, I cannot be beholding to you; not being beholding to you, I cannot bee called vnthankfull; and the rather, because I do not wrong you in putting you away, seeing it is not because I dispise you: but you must know that *Cato* in his old age was married againe vnto a poore yoong maiden, wherupon his sonne demanding of him why hee gaue him a mother in law: He answered: My sonne, it is not to offend thee, but to giue vnto thee more brethren as victorious as thy self, to the end that you may altogether profit the Commonwealth. So mine intention is to beget children, which (as I haue said) may one day bee profitable vnto the Commonwealth. Suffer me then to haue that of another which I can neuer hope for of thee, and let the good and profit of the Commonwealth be preferred before our owne pleasure; for we ought not to be born for our owne commoditie, but for the good of our native countrie, and those which doe otherwise thinke, may not onely say that they are ynborne, but that they are vnworthie to be borne: I would not then that you should bee of the same number.

Declamation. 65.

Of a rich man that died for the loue of a chaste woman, vnto whom he bequeathed all his goods, wherupon her husband accused her of adultery.

IT chanced that a certaine man hauing a
 passing faire wife, left her alone at home,
 and he made a voiage to Ierusalem: In
 so much that there happened a verie
 rich marchant being a stranger to come
 and lodge hard by this fair womans
 house, so as the said marchant became in
 loue with her, and sending her sundrie great presents, he so-
 licited her to loue him, but she refused his presents three times,
 and being thereby frustrate of all hope to speed, the said mar-
 chant became exceeding sicke, bequeathing all his wealth vnto
 this faire wife, adding these words vnto his testament: Because
 I haue found her chaste and modest. He being dead, the faire wo-
 man receiued the riches and goods, her husband is aduertised
 thereof before he come home to his house. Whereupon hee be-
 came so suddainly iealous, that at his return he accused his wife
 of adulterie, saying:

THou canst not denie but that either in deed or
 thought thou art an adultresse, for these riches doe
 witnesse against thee; I will confesse one onely point,
 which is, that my absence might haue bene the cause
 thereof; but now it must be considered what a wife you
 are vnto me, & what an husband I haue ben vnto thee:
 hast thou euer wanted anie thing? Or didst thou feare
 that thou shouldest want? What haddest thou then to
 doe with these riches? But who knoweth not that the
 most women are sooner overcome with couetousnesse
 then loue? Diddest thou not know also that continency
 and concupiscence are the two keies of womens ho-
 nors? for by the one it is preserved, and by the other it
 is polluted. Wherefore euery woman of worth ought
 to

Of a rich man that died for the loue of

to behold nothing but the earth, & sometime her husbands face, for feare least she should desire some other thing, & vnto euerie stranger she ought not only shew her selfe bashfull, but vncourteous, faining to bee blind and deafe: for loue entreth in by the eies, and is conceiued by the eares; also by a womans countenance; either a deniall or a consent is a great deale sooner and better perceiued then by her tongue, they which make a sound deniall at the first, are neuer importuned the second time, much lesse the third time. Who will euer beleeue that anie man would haue left all his goods vnto a woman because hee found her contrarie to his wish? If he were so glad to find her chaste, why did hee sollicite her to bee immodest? It is a great follie for anie man to seeke for that which he would not find: Who may not say or thinke that this our age is void of all shame? Seeing that a stranger witnesseth the chastitie of a woman towards her husband before hee is required: shee that feareth not to be thought an adulteresse, wil neuer be ashamed to be one indeed; for opinion governeth all things at her pleasure, and if shame or feare of infamie did not restraîne some more then another, there would not be one good woman: for shame serueth as a bridle to the immodest, and as a guide vnto the chaste. What will bee said, if all the world will affirme with me that thou art dishonest, Except one man onely, and he but a stranger, which saith thou art chaste? wherefore the praise which hee giueth thee, and the false testimonie which he alleageth for thee, doth as much harme thee, as my true accusation doth hurt thee. A goodlie matter no doubt, when no man assureth mee of my wifes honestie, but a common whorehunter: he saith that thou art to thy husband constant, and I affirme the contrarie,
who

who is more worthie to bee beleueed, a Cittizen or a stranger? A husband, or a whoremonger? Imagine (O you Iudges) that if this womans shame were not too apparent, I would rather haue dissembled it, then haue brought it to this extremitie: for he which discouereth his wiues faults doth but shame himself: but I remember that notwithstanding that *Cesar* could not get *Claudius* to be conuined of the adulterie wherewith he was charged, for being found in *Cesars* chamber in womans apparrell, yet did not he let to put away his wife, saying, That it behooued *Cesars* wife not onlie to be free from shame, but from suspition. Wherfore there is no reason that I should keepe her that is publikely defamed.

The Answer for the woman.

THat woman which is either beloued or courted, is not to be deemed therefore the lesse chaste, for a womans reputation and good name depends neither vpon the malice nor follie of men, who doe alwaies most desire those whom they haue least hope to obtaine, modestie being the speciall reason that prouoketh a man to fancie a woman; therefore they affirme that beautie doth onlie ingender lust, but vertue is it that most winneth loue: and like as vertue is neuer knowne but when it is tried, so also doth it most appeare in the resisting of vices. But what can a woman doe withall, if men doe loue her, or if they bee vicious or importunate? It is impossible to hinder anie one from louing, especiallie seeing the Philosophers affirme, that the first motions of our owne passions are not in our power, but afterwards they may be brideled by reason: what power then haue wee ouer another

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Of him that caused his eies to be pulled

mans passions? Concerning the testimonie of the testator, there is more likelihood of truth therein, then otherwise, for if the truth be euer spoken, it is when wee must forsake this false world: and it is to bee supposed that he bequeathed his goods vnto her, as well because the womans chastitie had not onely increased loue in him, but also had conuerted the same into holie loue; for the constancie of the woman, changed the mans vice into vertue, so that by this good deed hee thought to requite the bad opinion which hee had wrongfullie conceiued of her, before hee did thoroughly know her. Wherefore I will onely say that if she be to be blamed for her beautie, nature is the cause; if in that she was alone, her husband is to bee condemned; if for being courted, the louer was culpable: shee did denie his request, in that she was chaste; he made her his heire, therein was she happie; she accepted the inheritance, therein she did wiselie: wherupon she cannot be said to be faultie in any thing, but it is your ouergreat prosperitie that hindereth you from tasting the sweetnes of her vertue.

Declamation. 66.

Of him that caused his eies to be pulled forth, to gaine tenne ounces of gold, the which was refused to be giuen vnto him.



I was the custome of a certaine Commonwealt. that euery Cittizen which was fallen blind by mischance, should out of the common treasor bee allowed ten ounces of gold for his maintenance. Whereupon it happened that tenne or twelue disordered

forth, to gain ten ounces of gold. Declam. 66.

271

ordered Cittizens which wanted meanes to maintaine their accustomed riotous cheare, cast lots amongst them, which of them should haue his eies pulled forth, to the end that hee might receiue the abovesaid summe of gold to spend vpon good cheare amongst them: It chanced (as oftentimes it falleth out, that wicked counsell is most hurtfull vnto him that giueth it) that the lot fell vnto him that was the inuenter of this wickednesse: Wherefore the rest tooke him by force, and pulled out his eies, and sent him vnto the Magistrate to demand the tenne ounces of gold, but the Magistrate being aduertised of the manner of the fact, would giue him nothing, saying:

HOW long haue you been blind? By what chance lost you your sight so suddainely? Was it by doing anie good seruice for the Commonwealth? I am assured it was not, for it should be contrarie to thy custome, because thou neuer diddest anie, vnlesse thy follies and disorders should be accounted for seruice, so that first it may be aduouched that thou art no Citizen, for the honour of that name belongeth onely vnto the vertuous, therefore such as resemble thee may bee iustlie tearmed the scumme and reproch of the Commonwealth. Moreover, I am not ignorant that thou diddest suffer thine eies to be plucked out, that thou mightest with thy companions continue as long as you could that beastlie life which you haue begun, therefore both thou and they deserue double punishment, they for pulling out thine eies, and thou for suffering them, for it is to the preiudice of the Commowwealth, the which if thou haddest thine eies might if need were haue imployed thee as a pyoner in the wars, or to doe some such thing, but now the best that can bee done with thee, should be to hang thee vp, to the end that thou mightst

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be

Of him that caused his eies to be pulled

no trouble vnto others, but rather serue for an example vnto all. Likewise it is to bee considered, that the law should bee vniust if it should make men blind of purpose; the law was made to comfort the afflicted, but not for to buy them; miserie needeth not to be bought, being alreadie too abundant: therefore it is better to refuse our liberalitie vnto one, then to bee the cause that many others should make themselves blind: we releue those which for their blindnes haue need of releife, but not those that plucke out their owne eies, because they would be releued..

The Answer.

AS it is not the Magistrats office to increase the affliction of the afflicted, so likewise ought you not to wrong him that requireth but the performance or decree of the law, which simply saith, that euerie Cittizen being blind, ought to haue ten ounces of gold. Wherefore am not I a Cittizen, seeing I was neuer reproofed by iustice, or noted of infamie? Also I haue wronged none but my selfe: if I haue wasted my patrimonie, I onlie suffer therefore, and diuers Cittizens haue bene profited thereby: I haue not then done the Commonwealth anie wrong in profiting manie. As for the losse of mine eies, my meaning was not that anie mans eies should haue bene pulled out, but that the lot should haue ben cast by way of pastime, onlie to laugh at him vpon whom it should light, but lighting vpon me, they pulled out mine eies by force: wherefore there is great reason to punish them for the wrong which they haue done vnto mee, but yet ought not I to lose that which the law hath allotted mee: if *Democritus* bee praised of many

forth, to gain ten ounces of gold. Decla. 66.

273

many for pulling out his eies, that hee might the better wade in the contemplation of Naturall Philosophie, why should I be blamed although I had voluntarily suffered mine eies to be plucked forth that I might the better abstaine from vices? Take it then which way you list; I ought not to be denied the tenne ounces of gold, seeing that I am a Cittizen, and haue lost my sight either by force or willingly.

Declamation. 67.

Of the forsaken sonne who first would and could not, and afterward might and would not returne vnto his father.



Man forsaketh or disheriteth his son, who went vnto the warres, and returned home a conqueror, wherefore he demandeth for his reward of the Commonwealth that his father might bee compelled to receiue him into fauour againe. But the father being unwilling to bee compelled to receiue his sonne, defended himselfe so well, that he was no more urged therevnto. Yet because he was very desirous to haue his sonne againe without being constrained, but rather that his sonne might acknowledge it meereley to bee his beneuolence: he went also vnto the wars, and returning with conquest, requesteth for his reward, that his sonne might returne vnto him; and if he refused, that he should be inforced to come home againe, and obeying his father, receiue his inheritance, the son would not. Whereupon the father summoned him to the law, and in the presence of the iudges said thus:

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Y victorie is more famous then thine, for after that thou hadst vanquished, wee had yet cause of further warre, but my conquest was the vnter ouerthrow of our enemies, the end of all our warres, and the assurance of our Commonwealth. But although it had not ben so, yet what art thou? who begot thee but I? Say that I haue not made thee worthie to return home vnto me, yet these eies, these hāds, this bodie, these feet which thou hast, haddest thou the from anie other then me? The courage, wisdom, yea and this stoutnesse which thou now shewest, takest not thou the same from my nature? For if a villaine had begotten thee, thou shouldest be like vnto him; as for example, the Eagle engendereth not a doue, nor doth a lion beget a hare; wherefore one of these two must be granted, either that I am worthie of reward, or that I am vnworthie to haue anie at all: If I bee worthie, then my reward is, that thou returne home againe? If I deserue none, restore vnto mee all those about rehearsed graces which thou holdest of me. Thou wilt say, I could not obtain the same reward which thou demandest; in saying so, thou wilt but renue the quarrell for which I did renounce thee, which is, that thou wouldst neuer acknowledge the preheminance that in al things I ought to haue ouer thee; but if thou shouldest be beleued, thou wouldst take vpon thee the authoritie of thy father, and yet thou knowest not how to loue me so well as a son. O my child thou knowest not what it is to bee a father, I would giue thee that which thou hast especiallie required for thy reward: Thou maiest say, I will not be at your discretion to bee cast off some other time when you list: in saying so, a man may iudge that thou

after might and would not, &c. *Declam. 67.* 271

thou desirest to giue me the like occasion. Doest thou not know that a father neuer forsaketh his sonne, without feeling far greater griefe then doth he which is forsaken? But comming againe vnto both our deserts: I haue behaued my selfe more valiantly in the wars, from whence although the aged are especially exempted, yet haue I ben therein imploied, therefore it is a question whether thou hast ben a conqueror or no? thou hast exercised thine age, but I haue ouercome mine age; thou hast made war, but I haue finished the warre; I did not onlie fight valiantlie my self, but by my aged manhood did greatlie animate the courages of yoong men, therefore it may be said that I deserued a double reward; be thou then the recompence of my valor. I haue fough-ten being old, I haue aduentured that litle blood which I had left me to gain thee. Alasse how farre besides our selues are we both twaine, seeing that when wee are requested then we doe refuse, & being refused, we would with all our hearts enioy that which wee are denied, I had not so soone renounced thee, but I did as speedilie desire to reuoke thee, if I had not ben assured that thou wouldest neuer acknowledge anie good turne to come from me; but doest not thou compell me to bee suspicious, whē thou wilt not return vnto thy fathers house, vnlesse it be by thine own authoritie, or after a boasting manner? Consider only how much more honorable it is for thee to return at mine instance then at thine own.

The Answer.

YOU are not to augment your victorie to the preiudice of mine, in doing whereof you wrong your selfe, and so much the rather, by how much you

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Of a maid who first required her rauisher for
 Confesse that the valor of men redoundeth to the glo-
 rie of those that ingendered them, so as in like sort the
 vicious sonne can bee no other then a reproch to his fa-
 ther and mother, wherefore it was said that *Agrippina*
 was worthie of that cruell death which she had, onely
 because she brought forth so vild a sonne as *Nero*. Also
 it cannot bee died, that my victorie was lesse famous
 then yours, which by mine became the more easie, be-
 cause he is easilie vanquished, which hath been once o-
 uercome. But setting all this apart, because vnto the iud-
 ges I would not bee so troublesome as you haue beene
 tedious, I will onelie say thus much, that of a free man,
 I desire not to become a bondman, in as much as none
 can constraîne a valiant man vnto anie thing against his
 mind, and seeing that you haue renounced me, I am no
 more your sonne, but if you deeme mee so, either there
 is no reason to reward you with that which you affirm
 to bee your owne, or els it is more reason that my victo-
 rie which was the first, should first rewarded by my re-
 turn vnto you, and afterwards demand what you think
 best for the recompence of yours.

Declamation. 68.

*Of a maiden who being rauished, did first require
 her rauisher for her husband, and afterwards re-
 quested his death.*



He law is so, that a maid being rauished
 may either demand to be married vnto
 the rauisher, without bringing him anie
 marriage good at all, or els she may cause
 him to die. Whereupon it happened that
 a yoong maiden being rauished, accused
 him that rauished her, and required him
 for

husband, & after requested his death, De. 68.

277

for her husband, but he denied the fact, and affirmed that hee neuer knew the maiden, yet shee found the means to prooue him guiltie, and hauing conuincd him thereof, shee would not then marie with him, but sued that he might die. Against the which he pleaded thus :

THou canst make thy choice but once, and the rather, because I doe not yet know whether that which I alleaged in my owne defence was more to saue my life then to salue the law, which being once corrupted, would be farre more preiudiciall vnto others then vnto me, who if the worst doe chance, can haue but a bad choice, when I must be constrained either to marry such a one as desireth my death, or els die for one who I loued too dearely. Thou art not only the procurer of my shame, but also of my slaughter; for the scaffold, the hangman, the sword, the bands, and lastly my death, are all readie prepared for mee, and that onely by thy meanes. Will not al men (thinkst thou) say these are too manie euils to be borne at one time, vnlesse thou mightest be likewise a partaker thereof? Doozt thou not know that ouerferuent loue depriueth a man of his vnderstanding? And that the law neuer punisheth those that offend for want of wit? They then are to be punished that offend through malice or hatred, and not such as sinne through want of discretion, or too much loue? Thou seekest my death because I denied the deed, but I say my deniall maketh me more worthie to be excused, for thou canst not say but that it proceeded either for want of remembrance of the deed, being void of sence when I did it, or els because I was forrie or rather ashamed for mine offence; wherefore if the worst doe happen, the one cause freeth me from punishment, and the other

Of a maid who first required her rauisher for

other maketh me worthie to bee pardoned, seeing that to euery noble heart, sorrow, shame, and repentance for misdeeds, are three punishments more worse the death, which doth speedilie free vs from all miserie, and impossible is it for anie man to escape it, how soone or late soeuer it commeth; nay rather in prolonging of our liues we lengthen out our miserie. But I pray thee tell me, seeing thou hast chosen me for thy husband, am I not the same? Wherefore then wilt thou kill thy husband, when thou meantest to saue thy rauisher? Therefore I may say that herein thou resemblest the shee wolfe. When thou diddest demand mee for thy husband, thou diddest not then know me to be honest and shamefast, or that I would doe my best to conceale thy shame and my discredit; and now thou hast tried mine honestie, thou seekest mine ouerthrow: so that it seemeth thou art more angrie in that I am ashamed of my follie, then thou art aggrieved with my fault: why art thou angrie? Doest thou not know that loue, wine, and women, do make the wisest witlesse? as *Salomon*, *Sampson*, *Hercules*, *Lot*, *Noe*, and an infinit number besides doe witnesse: likewise the night is void of shame, so that it is lawfull by day to denie the faults of the darke. Thou diddest chuse me for thy husband, therefore thou maist not reuoke thy choice, nor the iudge his sentence; nothing can be more politick or profitable in a Commonwealth, then the performance of euerie sentence that is giuen, and the obseruation of ancient lawes. Whereby I conclude, that if thou be permitted to chuse twice, the law is false, for neuer did anie maid doe the like, then seeing thou art no better then others, thou oughtest to obtaine no more then they.


The maidens Answer.

I Knowing thy malice, and that he which is not ashamed to commit a fault, wil neuer be ashamed to denie the fact, did not chuse thy death which thou deseruedst, but thy wedding, whereof thou art vnworthie; thereby to make thee acknowledge thine offence, the which thou wouldest neuer haue done, haddest thou not ben conuined by most apparent witnesse: so that it cannot be said that thou meantest to hide my discredit, but rather to make it more euident by the testimonie of diuers, and thou diddest not care if I had been found a lier. They which are ashamed, sorrie, or repentant for their misdeeds, haue not the face to denie so audiciouslie their mildemeanors; but thereby it appeareth, that before thou diddest commit the fact, thou thoughtest to escape by thy falshood. My choice was of no value, seeing the crime was not verified, neither art thou my husband, seeing by thy deniall thou hast affirmed that I had no action at all to demand thee, I do craue then the death of the malefactor, that would not take the aduantage of my mercie. Likewise the law maketh no mention how manie times I am to make my choise, but onlie that I may chuse the one or the other, must not the choise for the offence be effectuall: it hath not yet been because that hee himselfe would not haue it effected; I haue not then chosen, but indeuoured to chuse, if hee had not by his deniall hindered my choise. Yet now seeing the deed is no more doubtfull, I doe chuse his death, as well because in going about to prooue my allegation false, he sought to take away my life, or to take me with double infamie: the iudge cannot giue away
my

Of him that would be paid for his house,
my right, therefore in causing him to die, he shall satisfie
those points which he saith are requisit in a Common-
wealth.

Declamation. 69.

*Of him that would be paid for his house, wherein a
Tyrant was burned.*

 Tyrant seeing that he was besieged in his castle or for-
tresse, fled vnto a Cittizens house to hide himselfe.
Some one of the tounsmen being aduertised thereof,
burned the house and the Tyrant within it, for which deed hee
obtained both the honour, gained the reward belonging there-
vnto, and likewise receiued many presents and gifts from the ci-
tizens. Which when hee whose house was burned did perceiue,
he required to be satisfied for his losse by him that set it on fire,
but the other refused to pay him any thing at all, saying:

W Heretofore diddest thou receiue the Tyrant?
Why couldest thou not driue him forth, or
slay him? What was the reason that hee fled
to thy house rather then to another mans? What cause
had he to think himselfe more sure in thy weak cottage,
then in a strong castle? Why dost thou esteeme thy
house better then the Commonwealths benefit? Must
you that neither killed the Tyrant, nor yet reuealed nor
brought him forth that he might be slaine, be partner
of the reward? I affirm, and do verily suppose that thou
bewailest his death, and it is verie likely that either thou
wast his friend or his seruant: at the least thou canst
not denie but that thou wast his host, yea, and I assu-
redly

redly beleue that thou didst watch of purpose to saue him from perill: a mā might easily accuse thee to be one of his confederats, and that thou diddest offer him thy house, seeing that therein he thought himself more sure then in anie other house besides. It were farre better that one hundred houses much fairer thē thine should be vtterlie lost then so vild a Tyrant as he should be yet liuing. Nay it were better to see a citie quite raced down to the earth, then the Cittizens should bee continuallie spoiled by tyrannous crueltie, without all hope of amendment. Seeing then that for the common good so great losses are so sleightlie regarded, there is no reason that thy pettie losse should be in anie sort recōpenced, especially because thou canst not say that thy hurt came by me, but by the Tirant, and no way better canst thou excuse thy fault, then in accusing thine owne hard fortune, which was the onely cause of thy harme, by bringing the tyrant vnto thy house.

The Answer.

HE which hath all the profit and honor, ought likewise to be partaker of the hurt: as I doe not vniustlie reprocue thee, for the wrong which thou hast done me, so also dare I aduouch, that thou hast not killed the Tyrant, seeing thou diddest neither see him, nor once touch him, but my house was it that slew him, therefore it is not against reason, if for the losse thereof, I doe at the least demand some part of the reward. The tyrant did not make anie speciall choise of my house, much lesse was it offered or prepared for him, but as he could, he entered therein, because I was not at home to hinder him; likewise thou mightest as wel haue followed

The kindnesse of a grandfather ill requited him in and killed him, but thy heart serued thee not, and therefore thou didst rather chuse to fire my house, then otherwise to slay him, and in danger thy selfe to be hurt: thou then hast the reward, but deseruedst it not, and yet thou wouldest haue mee lose my house, which was his ouerthrow. Who can tel but that he might well haue escaped if therein he had not entered; If then my house did keepe him, and receiue the fire that burned him, why ought it not as I haue said, bee likewise partaker of the reward?

Declamation. 70.

Of the grandfather that did secretly steale away his deceased daughters child, for feare least it should be poysoned by the stepmother, as two other before had ben, whereupon the said childs father accused his father in law of violence.



I happened that a man had three children, whereof two died, not without suspicion that the stepmother had beene the cause of their death. The father of the said childrens mother did secretly steale away the third child, least it might come to the like end as the rest did. Neither had the said grandfather visited the other children during their sicknesse, because he could not be suffered to come in, but was kept out of doores. The father caused his child to be cried, the grandfather said that he had him, whereupon the father accused the grandfather of violence, saying that he had stolen his child; the good old man made his excuse, saying:

Seeing

SEeing that this is all the sonnes that my daughter hath aliue, suffer me to bring him vp. What doest thou feare? That I will not let thee enter in when thou comdest to visit him, as I was serued at thy house? thou art deceived, I am not so ingratefull: fond foolish man as thou art, thou seekest not those two children which thou hast lost, nor once hearkenest after them which haue ben wilfullie made away, but seekest him that is not lost, that he might likewise be lost as the rest were. Thou askest one of me whose life I will charilie protect, and I doe require two of thee whom thou hast carelesslie suffered to perish. Why is not a grandfather better to be trusted then a stepmother? I came to visite my little nephewes being sick, yet might not see them; that was violence, and not this which I haue done? For therein hath neither beene vsed weapons, combat, resistance, nor force, but such as was too friendly. Let al the assistance bee iudge of this controuersie which is between a yoong man and an old. Thou saiest that I haue stolen thy sonne, I answere that I doe keepe my daughters sonne, thou saiest that I haue taken him away from thee, and I denie it; but true it is that when hee came vnto mee, I would not driue him away from me, and I am the cause that he is yet liuing. So doe the Phisitions and Chirurgions oftentimes bind vs, and whether wee will or no applie such medicines as are most needfull for the recuring of our maladies. That which I haue done is no strangers deed: Nature hath her right, & this difference is there betwixt the father and the grandfather, that it is lawfull for the grandfather to preserue his children in safetie, but not for the father to suffer his to be flaine. Whence proceedeth this thy ouerlate pittie;

to

Of him that is accused for intending his

to begin to seek thy lost sons of this which is here in safetie? Seest thou not that all those that fauor the child, do desire that thou mightest not find him?

The Answer.

HE hath not taken away the child to keepe him, or for anie feare he had of his safetie, but onelie to slander my wife with forcerie, and to make mee suspected to be therevnto consenting. What haue I to do with this man, O you Iudges, who while his daughter liued, did neuer beare me anie loue, and now after her deceasse dooth hate me deadlie? and hauing scantlie visited my children when they were sound, he came crieng out and lamenting during their sicknesse, prophesieng that which hath since happened, and would but haue increased their griefe to haue heard it. He was kept foorth, because his comming was well knowne to be more hurtfull to all, then helpfull to anie, and that he should neither by his needlesse exclamations shorten the liues of the poor infants, nor steale this other child, which now appeareth was his onlie intent.

Declamation. 71.

Of him that being accused for intending his fathers death, is therevpon renounced of him, although that in open Iudgement he was clearely acquitted by equall sentence.

YOU must consider that in times past, when in iudgement there were as many voices on the one side as on the other,

in any criminall cause, the partie accused was acquitted, because that iustice ought to regard clemency more then cruelty. Whereupon it happened that a father accused his sonne of paricide, saying that hee intended to murther him : wherefore he being imprisoned, and the informations made on either side, the prooffe was found so vncertaine, that the partie accused had as manie voices in iudgement on his side as the accuser, whereby the accused is acquitted. Notwithstanding the father being displeased, forsaketh and disheriteth his sonne, though hee were acquitted by iustice, saying :

My request is now lesse then it was, for I doe not desire to be reuenged of thee, but only that I may be rid of him that would haue slaine me, I do no more accuse him, but shun him. Do you thinke that hee will spare me being his foe, that would not spare me being his father ? No surely, For because hee would no difference betweene my testament and my death. He is not acquitted of his offence, but onlie freed of his punishment, because the sentences were alike. To prooue him innocent hee ought to haue had manie voices, but to condemne him, there needed no more then one. The Iudges haue not found him faultlesse, but onlie spared the punishing of his fault : wonderfull is the mercie of the law of this countrie, seeing that the equalitie of voices may acquite malefactors. Thou maiest then thanke the law, not thine innocencie, for thine escape. Thou saiest, I am acquitted, and therefore you can neither account me nor call me a paricide. I allow it so to be, neither will I disherit thee therefore, but for thy other vices, which are the cause that there are as manie that beleeue thou wouldest haue murthered mee as there bee that doe stand in doubt thereof. But who knoweth not that it is a greife for a father to accuse his son, & to bring him

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Of him that is accused for intending his

him in danger of death, although it be his desert? What is he then that would be so cruel to accuse him wrongfullie? I take God to witnes that as I am verie glad because thou hast escaped punishment, so likewise would I take away all occasion, to accuse thee anie more; and in putting thee away, I would take all occasion from thee to murder thy father.

The sonnes Answer.

AS there needeth but one voice to condemne me, which God hath withheld to defend mine innocencie, so is my ioy exceeding great in that I am freed from crime and disgrace, as well as from punishment; and a verie likelie matter is it, that some of the Counsell (beleeuing it to bee impossible that a father would euer accuse his sonne wrongfullie) haue ben on your side, but the other, who considering all men bee subiect to passion, and that manie fathers doe imagine that the liues and deaths of their sons ought to be doomed by them and at their choice onelie; haue equallie taken my part, especiallie because there was no prooffe or witnesse against mee. And notwithstanding you dissherit me, because I should alwaies be secretly suspected of infamie, wherby it appeareth that your meaning was neuer good towards mee, or at the least it is corrupted by such as pretend to bee your heires, so that although I am now oppressed by your authoritie, I hope that by my patience all men shall know, and your selfe wil confesse, what a son I both haue ben, am, and euer shall be; and it may bee that time may cause you change your euill opinion (if God so please) who neuer forsaketh the innocent.

Declamati-

Declamation. 72.

Of the sonne who str iuing against his father, obtained the dignity of Emperour, afterwards being taken in the wars and crucified, his father is accused to haue betraied him.

IT is to be considered, that amongst our ancestors the dignitie of Emperour was no other then that which we at this day doe call Generall of an armie, or Commonwealth, the which dignitie was once demaunded by an ancient and valiant man; But his sonne resisted him in such sort as hee obtained the place for himselfe, and as the Prouerbe saith, Mowed the grasse vnder his fathers feet: Neuerthelesse they went to the wars together, where it chanced the Emperour to be taken by the enemies. Whervpon the Commonwealth sent fortie Embassadors to redeeme him, vpon any condition whatsoever. These Embassadors met the Emperors father, who told them, that he had brought gold to saue his sonnes life, but it was too late, because he was crucified before he came. The Embassadors notwithstanding passed on further, they found their Emperour according to his report crucified, yet not so thorowly dead, but that he said thus vnto them, Beware of Treason: Who at their returne, vpon these words of the sonne, accused his father to haue betraied him, saying:

OUr Emperour hath suffered a shametull death, and the traitor hath receiued monie for the reward of his Treason? We haue seen this same man more

Of the father who is accused to haue

sad to see his sonne pronounced Emperour, then sorrie to behold him taken of his enemies. How was it possible that thou couldest returne alone, being old and ouerladen with monie, seeing they did take the Emperour? Thou hast receiued more monie then thou couldest well hide: but that is no great wonder, seeing that in one person thou hast sold both a sonne and an Emperour together; Who said vnto vs, Beware of Treason, but alas he said it too late. Trulie if the enemies had not giuen thee this gold, they would haue taken it from thee as well as from others. This sentence of the Emperour (being readie to die) was short, and euen for shame verie hardly vttered, seeing that thereby he accused his father. Why diddest thou escape leauing thy sonne behind thee, who was borne to be an Emperour? Surelie for no other cause but that hee hindered thee from being one. His proceeding against his father by lot and electiue voices was done to no other end, but onelie thereby modestlie to shew that from henceforth hee would neither trust thee with the gouernement of the Commonwealth, neither yet ought the same trust thee to gouerne it. Our Embassadors carried gold thether to redeme our Emperour, and his father brought gold hether which hee receiued for selling him vnto the enemies. How happeneth it that thou art not dead, or at the least without motion, and as it were crucified with thy sonne? why diddest thou return so speedilie, seeing he was aliue and did yet speake? Certainlie his speech bewraied the Treason, but his silence indeuoring to conceale the same, did better decipher the Traitor, that would not once stay the comming of the Embassadors, nor yet returne with them againe. This good Emperour although hee were crucified, yet left not to bee
care-

carefull for the Commonwealth. And therefore he said take you heed of Treason: Behold how he could not conceale the Treason; but like a child hee would not name the traitor. Thou wilt say that compassion vrged thee to depart so quicklie. We would know, seeing thou couldest not haue him aliue, why thou diddest not at the least redeeme him when hee was dead? For neuer was anie enemie so cruell but that he would be moued with a fathers teares, and so great a summe of gold together. This word, Take heed of Treason, signifieth, beware least anie without the priuie of your towne-guards doe come forth of your cittie, or without the knowledge of the Commonwealth doe goe vnto the enemie, or least anie one doe returne from the General of the enemies loden with gold: Nothing of this wanteth, in all mens iudgement thou hast done al this, thou wentest forth of the cittie, thou hast ben in the enemies campe, thou art returned thence loden with gold, the Emperor warned vs of Treason, the Embassadors haue disclosed the traitor, all doubt is taken away, consider onlie (O Iudges) who did speake, who now speaketh, and who speaketh not.

The fathers Answer.

I Did demand the Empire to saue my sonne from the danger whereinto himselfe hath fallen, I know not whether there be anie Treason, but you may thinke that if I were culpable therein, my sonne would haue as little respect to accuse me, as he had to striue with me for the Empire. I did carrie monie thether, which I haue brought backe againe, for seeing my sonne taken, I took all the gold which of long time I had hidden in my
V iij graunge

Of a man who hauing lost his daughter,

graunge house, and carrieng it in hast, I thought to redeeme my sonne therewith, but seeing him crucified, I had not the heart to stay anie longer: which was likewise the cause that I would not returne againe with the Embassadors. Wherefore it may be concluded, that you do ill acknowledge the deserts of your Emperor, when you vniustlie slander his father with that crime, which hee would willinglie haue redeemed with the price of his life; and your saying cannot be prooued that I haue either entred or gone forth of the cittie since my sons taking, saue onlie now, therefore I appeale before God and euerie iust Iudge for your false and slanderous accusation.

Declamation. 73.

Of a man who hauing lost his daughter, accused her mother of sorcery and adultery.



A Man being married, had a daughter by his wife, who being old enough for an husband, hee said vnto his wife that hee would marry his daughter, and told her to whom: but the mother being angrie answered, I had rather shee were dead, then she should be wife vnto him whom you speak of. Shortly after the daughter being poysoned, died euen when the father thought to haue married her after his own liking, without his wifes leaue, for the which the man suspected his wife, and put a bondwoman which he had to the rack, who said that she knew nothing of the poysoning, but that shee did very well know how her mistresse lay oftentimes with the same yong man vnto whom her maister would haue ginen his daughter: whereupon the man accused his wife not only of adulterie, but also of sorcerie

forcerie, and for poysoning his daughter, saying thus:

Hat man is more miserable then I am, Seeing
that at one instant I lose both my daughter,
my sonne in law, and my wife: my daughter by
poyson, my sonne in law for adulterie, and my
wife for her wickednesse. Alas the vild woman said too
true, when she desired her daughters death rather then
her marriage with the adulterer, which was not so soon
spoken, but it was as suddainly performed; whereby it
appeareth to be true, that the ambitious and lasciuious
doe neuer iudge anie thing vnlawfull. O how miserable
are we, seeing that neuer anie misfortune happeneth
vnto vs alone, for in losing my daughter I haue found
not only a double, but a treble fault in my wife, who
neuer speaketh anie truth but when she is acting some tre-
cherie, as is now seen by experience, in the death of her
daughter, whereof shee foretold before she effected it.
Who is more vnfortunate then I, Seeing that all too
soone I did know of my daughters death, and too late
did vnderstand my wiues adulterie, that thereby at the
least I might not haue the meanes to preuent one of
those mischiefs? Who doth not now perceiue, that one
sinne bringeth another, and that both the one and the
other doe not onlie bring the bodie to decay, but the
soule to destruction? O vild woman, I thought (to per-
suade thee to marie thy daughter) it was the best way to
praise thy sonne in law, but in steed thereof I commen-
ded thine adulterer. Why shall I not say that thou hast
murdered thy daughter, seeing thou durst take away
and detain her husband from her? What sin will not
a shamelesse woman commit, since chastitie doth alone
excuse all the vices which they might otherwise haue?

Of a man who hauing lost his daughter,

Nay who will doubt that shee hath not committed this fact wherewith she is suspected, seeing that shee cannot denie that fault which one would neuer haue charged her withall. You see worthie Judges that her sinne, her conscience, and her owne mouth beare witnesse against her; pittie then this poore dead bodie burst and ouerflowing with poyson, behold the bride, bed, and feast, turned into tears and funerals, take compassion of him who aboue all others is a miserable father, and a most vnfortunate husband.

The wines Answer.

YOU charge me with two great crimes without any likelihood of truth, that is to say, with adultery, and poysoning; of the one there is neither prooffe nor witnes, of the other there is a tormented slaue witnesse, who not onlie to escape from tortures, but also to bee reuenged of the stripes which heretofore she hath receiued, accuseth her mistris: but who is so ignorant, that knoweth not that such vild wretches as shee doe seeke for nothing els but mischiefe, or at the least for alteration or change, and especiallie when the husband and the wife are at variance, because that for the most part all the anger lighteth vpon their shoulders therefore they seeke to mittigate their owne disgrace by anothers discredite: likewise your ficklenesse, euermore readie to belecue false reports, and not my faults, doth induce you to accuse me falsely. The malice which this slaue did beare vnto my daughter, perswadeth mee that she hath poysoned her, because shee would not behold her mariage, for fear of falling forth of my hands into hers, that was yonger, & therefore more rigorous, as being

ing lesse subiect to reason : O what a goodlie man is this, who dooth giue more credite to a tortured slaues words, then vnto the long experience of the integritie of his wife : you do your selfe confesse that you would neuer haue thought that in seeking for the murtherer of your daughter you should haue found out your wiues adulterie; it is then a signe that I neuer heretofore gaue you anie occasiō to suspect me for a lasciuious woman: what mooueth you then to beleue it now ? A wicked and disloiall bondwoman. Who prouoked you to suspect mee for poisoning your daughter ? One word spoken by mee in my anger : Doe you not know that they which are iustly angrie or grieued do speake that which they neuer thinke ? Thinke you that the mother hath not a iust cause to bee angrie, when shee seeth that her daughter shall be married without her consent ? Seeing the mother and not the father suffered all the paine in bearing her, & that inforceth her also to loue her more tenderlie. Since I could not abide to see her badly married, could I bee so hard hearted as to cause her to bee murdered ? Alasse the feare that I had of her death, made me to diuine her destruction. In like sort it is euident that those which are ouercharged either with anger or feare, doe oftentimes vnaduisedly foretell such mischiefe as shortlie after falleth out but too true : euen so hath it happened vnto mee, being ouerburdened both with the one and the other accident; consider O you Iudges, how mad this man is, who vnto his daughters death would ad his innocent wiues decay, grounding his opinion therein, vpon such a word, as any one that desired to kill another would neuer vtter. Lastly I protest that he wrongfully seeketh my discredit, & therefore I request that he may make me amends for my disgrace.

Declama-

Of Romulus who caused his brother

Declamation. 74.

Of Romulus who caused his brother Remus to be beheaded.



Romulus and Remus being both brethren and twins, were the founders of Rome, and the first Kings thereof, neuerthelesse they were ruled by the aduice of the Senate, who had established a law, that hee which went forth of the citty without leaue of the kings or the licence of the Senat, should bee guilty of Treason and bee forthwith beheaded: Vpon this decree they began to build the wals of their cittie. Where the two Kings being one day both together, and Romulus praising the diligence of the workemen, saying that they had in a short time raised the walles so high, as they might be well tearmed defensible. Remus to shew the agilitie of his person, or it may be to contrarie his brothers speeches, leaped at one iumpe ouer the wall forth of the cittie: whereupon Romulus being greatlie displeased, and exceeding angrie, or rather because loue and rule can neuer abide anie companion, so it may be he hauing long before sought for some occasion, caused his brother to bee suddainely taken, and affirming that he was gone forth of the cittie without leaue, hee did by the law condemne him, and made him to be presently beheaded: Wherewithal the Senat being displeased, accused Romulus for killing not onely his brother, but also their King, And thus they say:

What good lucke or happinesse may wee hope to reape of our Commonwealth or cittie, seeing that
in

in the beginning thereof, not onlie one twinne brother hath presumed to kill the other, but also the King hath murthered the King. If one hand should cut off the other, one foot tread vpon the other, one eie darken the other, and finallie if all the members would seeke to hinder each other, what benefit or helpe may be hoped for of the bodie? As the man which hath but one eie is alwaies in danger to be starke blind, or as he which hath but one hand, the least hurt which the other hand receiueth maketh the man altogether impotent, euen so wee thought our selues happie to bee free from the like danger hauing two kings, to the end that if the one were sicke, the other might gouerne and aid the Commonwealth; those dangers which the one might incur for want of foresight, the other might preuent by his forecast, the one being abroad, the other was in the citie, and being not onelie brethren but twinnes, wee hoped that they should be inuincible, but alas the one hath ouerthrowne the other. What punishment then dooth not hee deserue, which hath depriued the Commonwealth of so great a hope? Who knoweth not that kings are the true guides of the people, and how good or bad soeuer they be, the most part will follow their example? Vnhappie then are those Commonwealths where the kings are wicked, and especiallie when their chiefe fault is crueltie, which in them is most odious: therefore hath nature framed the drone being king of the bees without a sting, or at the least if he haue one, he vseth it not: if crueltie then be so vnseemely for kings, how much more is it for such as are the first kings, seeing that they doe instruct and embolden all their successors to follow their steps; for mans frailtie is more prone to follow the bad then the good; doe wee not know

Of Romulus who caused his brother

know that sharpe lawes are made not to destroy Cittizens, much lesse Kings, but onlie to bridle the vicious, and by keeping them in aw to assure the vertuous; the text of the law is strict, but the glose is ample, & ought alwaies to tend rather vnto clemencie then crueltie. What would you say if a man (ouercome with a iea-
 lous care of his countrie) should goe forth of the cittie without leaue to doe some exploit for the benefit ther-
 of; Ought he to die? Are not the lawes made for the profit and safetie of the Commonwealth? Let vs con-
 sider to what end the King leaped ouer, was it to goe seeke the enemies? No, but rather thereby secretly to shew, that as he could leape soorth of the cittie at one iumpe, so might the enemies as easilie passe our such low wals; wherefore as hee would neither flatter the workemen, so without gaining their ill will, hee would prouoke them to be more diligent in their labour, and for the same purpose he indeuoured to please both the & also the assistants in shewing the agilitie of his bodie:
 O how worthie of commendation is that man which ioineth profit with pleasure, as he did! but wee may say that he in steed of receiuing honour by the people for his reward, obtained cruell death at his brothers hands for his recompence. Seeing the law was by the Senat in-
 uented, why were not they acquainted with his execu-
 tion; that so his integritie might haue ben made mani-
 fest? For that which a king doth cannot bee said to bee done without leaue, so that the people be not hurt ther-
 by: for in euery lawful act he may take leaue by his own
 authoritie, wherefore you haue no othr excuse, but that
 the onlie ambition to raigne alone, incited you to kill
 your brother, murther our King, & hurt the Common-
 wealth, whereby it appeareth that the greedie desire to
 rule

rule is void of all pittie or remorse : if we say that hee which parteth from his friend parteth from himselfe, what may be said of him that hath by death sundred his brother from him ? Which at one instant was concealed with him , who hath remained in his mothers wombe vntill his procreation with him, who was cast forth vnto the beasts, & fostered vp together with him, who hath holpen him to build this citie, to appoint the Senat, and was created King with him ; what iudge will bee then so ignorant which will not say that you ought to die with him ? And that you doe wrongfullie vsurpe the time wherein you doe liue longer then hee . Giue rightfull doome then, O you Senators , to the end that he which hath killed his brother without your consent, may no longer tyrannise ouer the Commonwealth.

The Answer of Romulus.

ALhappinesse ought to be hoped for (graue fathers) when in the Commonwealth the laws are not onelie good, but when they be obserued and kept, and by the punishment of a great one, all the rest are threatened if they misse in their dutie : mine integritie is sufficientlie declared in submitting me vnto the lawes, yea, even in the not sparing of mine owne brother, as in like sort I would not exempt mine owne person for the obseruation thereof. If *Minus*, *Radamanthus*, and *Eacus* had not ben iust and somewhat seuerer in the performance of their lawes , they should not haue obtained that immortall renowne which they now haue, neither should bee held as Iudges of the internall mansions : like as it is manie times not onlie lawfull, but necessarie for one hand to chop of another to preserue the rest of the

the bodie, euen so was it needfull though to my great griefto rid the world of this my brother, being a breake-
 298
 ker of the laws, and a disturber of the Commonwealth: for as you say, Kings ought to bee guides vnto the people; so that in all things, and by all means they ought to shew them an example, to keepe and not to breake the laws: for vnlesse they be duly obserued, the Commonwealth would bee like vnto a bodie full of corrupt humours, wherein neither the blood nor anie other of the inward parts can make their right operations, so that after the same hath some certaine time languished in paine, it is at the last ended by death: euen so the corruption of laws and customes doth bring the Commonwealth to a flat confusion: the greater a man is, the more notorious is anie fault which hee committeth accounted, therefore ought his punishment to bee more greuous for examples sake. Trulie two brethren together may performe verie much, but when one neglecteth his dutie, they are no more brethren. Moreouer, it is not so necessarie (as you affirme it is) that there should be two Kings; because that one number alone doth represent the diuine Maiestie, whereof the Kinglie Maiestie ought to bee a tipe and figure: likewise there is but one world and one sunne, who because hee would be alone, leaueth for halfe of the time, the one halfe of the world without light, onlie sending his sister thether as his Lieutenant, who is lesse then hee in brightnesse. A Commonwealth then ought to haue but one King; nay the whole world ought to haue no more, for by that meanes it should bee free from waire: and euen now I doe prophesie by this my sole gouernment, that in time to come all the world shall be subiect to the Roman power. Wherein then haue I offended the Commonwealth?

monwealth? It is not I that haue made her frustrate of her hope, but he which committed the offence, for which he died, and not by my occasion; neither is that to be tearmed crueltie which is done by iustice, and according to the lawes: for as iustice without clemencie is crueltie, so clemencie without iustice is meere foolishnesse: that is crueltie when one is put to death without anie desert, but to execute a malefactor, is a deed of mercie: for it is better that one be suddainlie lost, then in continuance of time a number together should perish. Moreover, it behooueth the first Kings not to pardon anie thing, vnlesse it be a matter which concerneth their owne person, to the end that their successors by their example take not the like occasion to neglect or cloke any thing which toucheth the welfare of the Commonwealth. If my brother had but offended me, I would haue pardoned him as a brother, but in offending the Commonwealth, I haue punished him as a King: the rigor of the laws ought rather to bee mitigated then not to bee obserued, otherwise they are rather to bee condemned then commended. He which resisteth the laws is vnworthie to be cailed a Citizen, much lesse a king, but rather an enemy to the Commonwealth; and for such a one haue I caused *Remus* to die, and that suddainlie: not in contempt of the Senat, but to auoid sedition, for it is not likely that he would euer haue ben so insolent vnlesse he had receiued some secret intelligences, whereby he aspired to bee sole king, and by the infringing of this law, he would attempt his enterprise, and assure his confederats. By all these foresaid reasons it may verie well appeare, that I haue not done to death neither my brother nor the king, & therefore haue I not offended, but rather defended the Commonwealth, in
exc-

Of him who is accused to haue gone

executing one of the enemies therof, not without your iudgement, but by you both condemned and adiudged, euer since the law was by you made & allowed; for you haue added no exception therevnto. Consider then most graue Senators, and you couragious people, that if I receiue anie hurt, it is for doing good, beleeching you also to beleeue, that what mischiefe or good soeuer shall happen vnto me, cannot happen vnto anie that is more affected vnto you, or more carefull of your welfare then I.

Romulus escaped at this time, and raigned a long time after very cruellie, but finallie at a sacrifice which was made out of the cittie, there fell great store of rain, with horrible thunder and lightening, wherevpon the Senators tooke occasion to kill *Romulus*, and afterwards hauing hewed him in an hundred peeces, euery man carried away a peece, and made the people beleeue that he was taken vp into heauen aliue, whilest they were offering their sacrifice, and hee was placed in the temple amongst the gods, and named *Quirinus*.

Declamation. 75.

Of him who being found with a poysoned potion, is thereby accused to haue gone about to poyson his father.



Certaine rich man had one onlie sonne, who was of such bad behauiour, that he renounced him, and receiued him againe three times. Lastly, he found him at vnawares in a very secret place of his house, where he was brewing a poysoned potion,

tion, the father asked him what drinke that was, hee not being able to denie it, said that it was poyson, the which he thought to drinke because hee was wearie of his life: afterwards he threw the poyson on the ground, the father knowing his malice long before, accused him that hee had prepared that poyson for him, saying :

IT is far vnlike that he which in three times being forsaken did neuer make anie shew to bee desirous of death, would now poyson himselfe being both in the good fauour, and in the house of his aged father, whose inheritance hee did dailie expect ; but it is rather most certaine, that he being vnwilling to stay for it vntill my death, was desirous to attempt the abridging of my daies . What likelihood was there that he would willingly die, who being suddainly taken, threw the poyson downe for feare least he should haue been compelled to drinke it ? Why should you think that such a one is wearie of his life that dooth now defend himselfe as much as he can, because he would not bee condemned to death ? Those which desire to die, doe goe vnto the warres or trauell by sea, and so die with honor : in denieng thy crime thou proouest thy selfe culpable ; canst thou denie that thou diddest seeke, find, buy, and bring the poyson into thy fathers house ? Vnto whom thou shewing thy selfe an enemy more then a thousand times, hast compelled him against his will to reiect and disherit thee three times, and thinking alwaies by my exceeding mildnesse to ouercome thine extreame maliciousnesse, I haue thrice returned to receiue thee with more then a fatherly kindnes, but I perceiue that all the good which is done vnto the wicked, is not onlie lost, but also increaseth their wickednesse : for thou canst

Of him who is accused to haue gone

not in anie sort denie the hate and ill will which thou bearest vnto me, whereof the poyson is a sufficient testimonie, seeing that by the same thou meantest to kill me, because thou wouldest be rid of a father, or (as thy selfe confessest) thou diddest desire to die, that I might be depriued of a sonne, or rather because thou wouldest be rid from the griefe which thou hast to see mee aliue. To conclude, both the one and the other is an abominable wickednesse; but for as much as I cannot yet leaue my naturall bountie, I will seeme to be doubtfull of that which I know to bee most certaine, because I would not bee constrained to require thy death. But I do now renounce thee the fourth & last time for euer.

The Answer.

IT is manifest that years bringeth knowledge and discretion, wherefore considering better now then heretofore the manifold offences which I haue committed against my father, and feeling alwaies mine owne weakenesse and wicked nature which continuallie pursueth mee, I did eftsoons desire to die, because you should no more by me be displeased, and not for any hate that I did beare you: for your bountie towards me is such, that I knew not how to hate you, but it did rather ingender in me so great a shame and griefe for offending you, that I am wearie of my life, and I would die so it might not be by law or condemnatiō, vnto your dishonour, and my discredit; your dishonour I lay, in that it should be reported how you had begotten such a son as meant to murder you; my discredit, when it should at any time be said that I would haue killed my father. God forbid that so great a reproch should euer happen vnto

vnto the meanest of our lineage: and that is the only occasion why I would so faine liue, that in time I might make it knowne both vnto you, and all the Cittizens, what agreeable seruice I would be readie to performe for you when occasion serueth, and shewing such a childs dutifull obedience towards you as thereby you might bee sufficiently satisfied that I neuer meant to hurt your person, & that those displeasures which haue happened vnto you proceeded but by the frailty & folly of my youth; but if my life be odious vnto you, I am yet content to end the same by poyson? Alasse how far more wretched am I then anie other man, seeing that when I would willingly die, I was not suffered, vnlesse I would be executed with dishonor. Truly this suspicion which you do wrongfully charge me withal, is a iust punishment for my passed faults. Seeing that it pleaseth you to reiect me, I will patiently indure it to shew my selfe euermore obedient vnto you; but the cause which you alleage is vnlawful, in saieng that it is because you found me with a cup of poyson: I doe sweare vnto you again that it was for my selfe, and that ought not to be imputed vnto me as an offence, seeing that *Mithridates* would haue poysoned himselfe, *Demosthenes* did poyson himselfe, *Hannibal* procured his owne death; and that *Cato*, *Scipio*, and many other famous men were their owne murtherers.

Declamation. 76.

Of him that was denied buriall for being his owne butcher.



He law is, that whosoever killeth any man, should not be buried at all. Whereupon a certain rich man of a good stocke happened by some occasion to kill himselfe. So that thereby the Magistrate accounted him for a murtherer, and therefore would not suffer him to be buried: but the kinred of the dead man stood against him therein, and said:


*If this poore man had slaine anie one, your reason were of some worth, for it might haue ben supposed that malice, hatred, enuie, or some other vice, had procured him to commit manslaughter, but alasse he hath slaine himselfe being overcome with miserie, or els because he had lost his wits: I know not whether of these two accidents were the cause of his fall, yet am I sure that they are not to be imputed vnto his fault, but he is more worthie to be pittied then to be punished. What greater crueltie can there bee in the world, then not onelie to punish a dead man, but such a one as died miserablie? We cannot but suspect that he perceiuing the Magistrate did wrongfullie hate him, hath therefore shortened his owne daies: for if you did not bear him some ill wil what should moue you to goe about to depriue him of that which in the end time will graunt vnto him? For euen those which are hanged doe at one time or other not remaine vnburied; wherefore *Diogenes* said well vnto his disciples, that demanded of him where he would be buried: lay me (said he) vpon the earth, for the same it selfe will in time burie me: this your rigor then is more preiudiciall vnto vs that liue, then vnto the dead man: if the worst happen, what can you say of him? Or wherewith are you*

you able to accuse him, saue onlie that his great misfortune made him to imagine that hee could no way end his miserie but by death? But alas hee was deceived, for although he be dead, yet dooth mishap follow him, so as he cannot by his sepulchre hide his shame; whereby it appeareth, that misfortune dooth sooner beat downe the wretched then it dooth the wicked. Surelie considering that which is denied vnto him, I cannot blame him for being wearie of his life; in his death hee hath immitated *Cato*, why the ought this man to be vnburied more then he? In your iudgement then do you thinke that *Curtius* should haue remained without a sepulchre, if in his very death he had not found the same, casting himselfe while he was yet aliue into the burning gulfe? Who is more miserable then he that whilest he liueth is wearie of his life? And who is more vnhappy then he that is dead, and wanteth a sepulchre? Is it to be wondered at if this man were willing to die, seeing that for all he shunneth it, mischief pursueth him? Nature affoordeth a sepulchre vnto all men, yea the sea casteth the dead vpon the land to be buried, those which are hanged in chaines, do by little and little slide down into their graves, for in the end they become earth; they which are burned, the selfesame fire that cōsumeth their bodie, dooth burie their bones conuerting them into ashes; others are intombed in the bellies of fishes, and of other land beastes. As it is the office of Magistrats to persecute murtherers, so likewise ought they to pittie the murthered. If you say that hee which killeth himselfe is a murtherer, you must yet consider that hee hath wronged none but himselfe: it may bee that hee did procure his owne death for feare least he should be constrained to wrong some other, what thing then can

Of him that was denied buriall for being

be more commendable then for a man to be willing to die rather then he would wrong any man. *Mutius Scauola* would haue died for grieve because he failed in the killing of king *Porfenna*, and therefore in his presence he burned his owne hand for missing the marke: *Codrus* in all his raigne did not any thing more worthy commendation, then when he apparelled him in all his roiall robes, that so he might the sooner be slaine; that which oftentimes seemeth to be vice is esteemed vertue, when necessitie requireth it: So *Codrus* shewed himselfe a right king whē he would not be disguised for any other then he was. As great cruelty is it to hinder him from dying that would not liue, as it is to kill him that would not die. Lastly, vnto a wretch the wounds which he hath, are imputed vnto him for a crime, but why should so vnhappy a man liue that is not suffered so much as to die? But although he were an offender, yet the losse of his soule ought to be a punishment sufficient to free his body and linage from greater reproch.

The Magistrats Answer.

 Very great sin and a most exceeding wickednesse should it be for any man which durst bee so bold as to burie him that murdered himselfe. For what hate, malice, or ill wil may be more beastly, then that which prouoketh a man to bee his owne butcher? And it cannot bee denied that such kind of people doe distrust in the mercie of God, and are enemies of humane pittie: can you denie his offence, seeing that hee hath not onelie weakened the Commonwealth, but hath also beene the cause of great slander therein? We doe not persecute the dead, but the crime which

which he hath committed, which deserueth to be punished for example vnto others not to commit the like. What and if a man be pinched with pouerty, a woman displeased with her husband, a child threatened by his parents? Must they suddainlie run vnto the sword, flie vnto the halter, seeke a place to fall headlong downe, or procure their end by some other kind of odious and violent death? God hath made death fearefull vnto all men because none should be his own murtherer: Who- soeuer is therevnto disobedient, is not onely a rebell against God, but an enemy vnto humane nature; this wicked man was not hated by the Magistrate, but your words declare, that you knew something by him that deserued but little fauor at their hands; let him then be buried in time with *Diogenes*, and the rest which do burie themselves, for it may be their miserie endeth by their death, but it is to be thought that his increaseth as concerning the soule; therefore is it fit that the bodies shame should testifie the same. Concerning *Cato*, *Curtius*, *Scauola*, and the rest which haue murthered themselves, they are neuer a whit the better accounted of by those that are of sound iudgement. Moreouer, the difference betwixt the time then and the time present ought to be considered: as for the Magistrats pittie, that ought to be extended vnto such as doe die a naturall death, and towards those which are murthered by another man. Necessity neuer conuerteth vice into vertue, but rather into a false semblance therof: it is not crueltie to hinder him from dying, that is therevnto willing, but it is an horrible thing to suffer any man to kill himselfe, which you ought to hinder as much as you may, and you hauing not done the same, there is no reason but that you should be partaker of his shame, to the end that by your

Of the seruant of Lucullus who troubled his example others might bee warned to bee more carefull of their kindred. This law was inuented but onelic to terrifie those who neither feared death nor damnation. Assure you that he would neuer haue died in that sort, vnlesse he had committed some hainous offence, for there is no sin so great but that hee which dare kill himselfe will be bold to commit.

Declamation. 77.

Of the seruant of Lucullus who thinking to giue his maister a drinke to make him to loue him, caused him to become a foole.



Vcullus was a Romane Senator, very rich and wealthy in goods, gotten by the warres, who both liued most deliciously, and also spent more largely then any other Roman: but most of all he greatly loned learned men, and rewarded them very liberally. Whereupon it chanced that one of his household seruants was verie desirous to worke some meanes that hee might likewise chuse him to loue him, and the better to effect the same, he prepared a certaine loue drinke, and made his maister to drinke thereof (for that which fooles cannot attaine vnto by vertue, they thinke to accomplish by villanie) but as from follie there neuer commeth anie thing but mischiefe, so happened it by this foolish seruant, for instead of making himselfe to be beloved, hee troubled his masters senses, because hee knew not how to mingle his drinke aright. Wherefore the kindred of Lucullus brought him into iudgement, and accused him for poisoning his maister, wher vnto the seruant replied thus:

True

Rue it is that I gaue him a loue-drinke, but not producing such an accident as hath since vnto him happened; and that seruant is in no sort faultie, which as much as in him lieth, seeketh to procure his maisters fauour, provided that it be not to his hurt: the drinke which I haue giuen him, hath ben tried by manie, and may yet be proued by more, I meant neither to hurt my maisters bodie, nor to trouble his mind, seeing that I neuer hoped for any good in the world but from him; but those which gape for his lands after his death, or that desire to haue the managing of his goods during his life, haue taken occasion by this my potion, to giue him some other drinke that vnto his fences hath ben more pernicious, that therby they might both defraud me of my hoped good intention, & also accomplish their wicked expectation: who hath euer heard that to loue ones maister well, and to desire to be beloued of him, should be an offence? and so much the rather, was my meaning lawfull, because I neither haue loued him, nor desired his loue for any couetousnesse, but to gaine this onlie good, alwaies to do vnto him most faithfull, most humble, and acceptable seruice; but as there is no word well spoken which is badlie construed, so there is nothing well done if it be taken in ill part, or sinisterly wrested, which is so much the sooner done, because the most part of men do not iudge according to the meaning, but according to the issue of our actions, although he which hath done them bee in no sort faultie. But I beseech you worthie Iudges to consider what reason there is to accuse him for a malefactor who hath giuen the loue drinke, and not once to seeke out or to inquire after him that hath giuen the noisome and hurtfull drinke. Think you if I had

Of the seruant of Lucullus who troubled his

had not beene very certaine of my deed, that I would haue confessed that I did giue my maister any potion at all: Or to speake more plainly, doe you imagine that I would haue beene so foolish as not onelie to accuse my selfe, but to be mine owne hangman, if the griefe for committing so great a fault, and for losing so good a maister did not kill me; the which griefe for his losse, is the cause that now I regard not my life: but I would not die with this disgrace for hurting him whom I loue a boue all other things. Finally, graue Iudges, if he deserueth to be punished that loueth his maister ouer well, then doe I confesse my selfe to be thereof worthy, but vnder the correction of those that be more skilful then I, me thinkes that it were better to learne who those are that doe wish *Lucullus* any hurt, or that for their owne profit haue harmed him, then to torment him that doth more feeble the iniurie done to *Lucullus* then any other besides. For when things are not well considered, they do alwaies produce effects contrarie to the meaning of those that imploy themselues therein. It may please you then both to acquit the innocent, and to be more carefull to seeke out the offender, who may easilie be found amongst my accusers.

The Answer of the accusers.

THe only confession to haue giue a drink (of what quality soeuer it be) vnto thy master, condemneth thee and maketh thee worthie of death. Thou saiest the potion was to inforce loue, how canst thou proue that? seeing the effect sheweth the contrarie, but although it were so as thou saiest, what law permitteeth thee to dispose not onlie of the goods and person, but also

also of the will of thy maister at thine owne pleasure? Thy crueltie & disloialtie is great in seeking not only to manumise thy selfe, or to exempt thee frō the dutie and seruice which thou owest vnto thy lord, but also to constrain him to bee thy slaue for euer: I say although all were as thou confessest, and that thy doings were construed to the best, yet who can denie but that the beloued is alwaies lord ouer the louer, and that the louer is neuer better then a slaue vnto the beloued. *Cleopatra* did euen so by *Anthony*, yea *Hercules* was brought into the like seruitude by *Iole*, and *Achilles* by *Patroclus*. Thou canst not then deny, by what meanes soeuer it bee, but that thou hast bereaued the sences of him, who by his wildome hath won many battailes for the Commonwealth, he which was the onely refuge of the learned, who doe all accuse and condemne thee: thou saiest, I meant not to haue done such a deed, but the effect doth shew that thou hast done it: thou saiest, Some other hath taken occasion vpon this my potion, to giue vnto him another drinke more pernicious; all which were it so, yet the only occasion which thou hast profered, deserueth punishment; thou accusest vs vpon suspition, but we accuse thee by prooffe and witnesse of the deed. Thou art one accuser alone, vnworthy to bee beleeued against vs; but all the Commonwealth, all the learned men, euery vertuous man, all the kindred and friends to *Lucullus* doe altogether accuse thee. What accusation then can be more worthy of credit? That of theirs, or this of thine? Seeing that according to thine own confession, thou canst not denie but that thou art a traitor, and a theefe, for what Treason may be more great, then to haue deceiued the Commonwealth, depriued the vertuous, bereft the friends and kindred of a man so famous

Of the seruant of *Lucullus* who troubled his

mous as *Lucullus* was? What theft can be more manifest then in desiring to vsurpe a loue so worthie, being thy selfe in all points so worthlesse? We doe in deed confesse that the seruant is permitted to loue his maister, and by his good seruice to winne his maisters loue, but it is not lawfull to inforce the loue of any man, how much lesse then is it for a seruant to constraine his maister? So that as well the intention as the issue of thy deed, appeareth to be damnable; and there is no need to inquire who gaue the pestilent potion, seeing thou diddest it thine owne selfe, and that thou canst not denie the same: moreouer, that which thou confessest to haue done is no signe that thou diddest loue thy maister very well, but rather that thou diddest loue thy selfe too much, for those which do loue intirely do seeke all the meanes they can to please those whō they loue, but not to force or constraine them to anie thing against their liking, whereby it may be prooued that thou onely diddest mischief *Lucullus*, in going about to take from him his libertie, hauing thereby depriued him of his senses. And there is not any that pretended any profit by his hurt but onely thou, seeing that all the wealth which *Lucullus* had, was ours and his friends more then his owne, for hee was neuer borne but for the profit of the Commonwealth, and to pleasure his friends. Therefore we doe also require no other thing, but that the innocent may be acquitted, & the guiltie not onely sought out (for he is found in thee) but also punished, as well to giue an example vnto all other seruants not to enterprile any thing against their maisters, as to reuenge the Commonwealth, and *Lucullus* himselfe for this iniurie.

Declamati-

Declamation. 78.

Of a woman who slew hir daughter, that had through childishnesse killed her little brother.

THe law appointeth, that enery woman which killeth her child should bee burned. Whereupon it chanced in Orleans, that a poor woman which got her lining partly by washing of bucks, and sometime with carrying of fagots about the cittie to sell, had one daughter about the age of foure yeares, and a sonne about one yeare old, with the which children she was left a widdow by her husband. So that shee oftentimes being forced to shift the little child, she said vnto him as the most part of mothers and nources vse to say, that if hee pissed his clothes any more, she would cut off his prick; the which the little girle hearing many times, shee forgot it not: but one day when her mother was gone vnto the wood, she began to unswaddle her brother, and seeing that hee had pissed his clothes, she tooke a knife and cut off his yard, wherewith he lost so much bloud that he died, afterwards shee told her mother at her returne home what she had done, who seeing her child dead, shee was so surprised with anger, that she tooke vp a little stoole, and strooke so great a blow therewithall vpon the girles head, that she presently died. For the which she was caried to prison, & hir husbands brother suing her to death, accused her saying:

THis woman hath both flaine her daughter, and in like sort was the cause of her sonnes death, not onlie in that she left it to the keeping and discreti-
on

Of a woman who flew hir daughter, that

on of a little girle, but also because shee had oftentimes spoken fondly, and threatned the child foolishly: did she not know that whatsoeuer was ill to bee done, was not good to be spoken, vpon what occasion or intent soeuer it be? And that as euery word that is spoken, is easily imprinted in the yoong and tender hearts of little children, so will they like apes imitate all that they see, and as children, doe whatsoeuer they heare spoken: why then did she say before this child anie thing which should not be done? And chiefly a matter so dangerous and so vnfitting? Did she not know that children (as being humane creatures, and subiect naturally vnto vices) doe keepe and remember the bad sooner then the good? And especially the females, as being more vicious then the males. Some may say that it was a mischief, which shee nor any other would euer haue thought vpon: but I answere that they ought to bee cut of which are the cause of such misfortunes, to the end that they may no more commit the like mischiefs, or at the least by their occasion there doe not happen some other greater mischances. If she haue liued so badly, that she had no neighbour or friend so fauourable vnto her with whom she might haue left her little son in her absence, shee is not worthy to liue any longer; and if she had any vnto whom she might haue recommended the same, she is likewise worthy of death for not doing the same. Of what thing ought a mother to be more tender and charie, then of her child? Why then could shee suffer the one to die by her negligence, and heaping mischief vpon mischief, murder the other by her malice? What Tigre, Wolfe, or other wild beast, though neuer so cruell, which will not onely bee carefull of her yoong ones, but also will euen vnto the death

childishly had killed her little brother. *De. 78.* 315

death defend them from those that seeke to hurt or harme them in anie sort? How much lesse then will they themselues be so cruell as to kill them? Wherefore must I be the only speaker in this case, when as with iust griefe I can hardlie speak anie more? If no punishment shall be vsed when women (who ought to bee true examples or perfect patternes of kindnesse and pittie) are more cruell thē sauage beasts, I know not what I should say? Sauing onelie that they are happy which either liued before vs, or that shall be born after vs, without beholding this our most vnhappie age, if such a woman may be suffered to liue anie longer therein, who after she hath ben the cause of her sonnes death, hath yet further ben the author of her daughters destruction.

The Answer of a friend for the woman.

Wherefore doe you procure the death of such a one who desireth nothing so much, as to die? Doe you thinke that this poore woman is not sufficientlie afflicted, but that you must further seeke to aggrauate her sorrow? Alasse wee may by her example verie wel perceiue, that a mischiefe neuer cometh alone, seeing that first we haue euer known her to be poore, next she hath lost her husband, the onlie stay of her poore life, then her sonne, and afterwards her daughter, and that which is worst, she is not onlie a prisoner in danger to lose her life, but also he which ought to releiue her and procure her deliuerie, seeketh her destruction. Surelie the least of so manie miseries wherein she is on all sides cōpassed, is sufficient inough to make her worthie of compassion, and free her from punishment. Whereof doe you accuse her? Do you not know
that

that it is not in our power to bridle the first motions of a iust anger? Know you not that the grieve which she suffereth because she hath killed her daughter, exceedeth all the tortures that may bee inuented to torment her? For more harme doth a mischiefe that tormenteth the heart, then all the tortures which may wound the bodie are able to hurt. Whereas you accuse her of follie, the follie is your own when you would find in a filie woman, that which may hardlie be found in those that gouerne monarchies or Prouinces Doe you not know that there is no vertue which is not by pouertie neglected? And that necessitie hath no law? Wherein then hath a poore woman offended, who hauing no other means, did leaue her children at home, whilst she went abroad to get her liuing? You speake of friends, and neighbours; it is too manifest that charitie is so exceeding cold, that if one doe but twise desire a fauour or pleasure at anie mans hands, he is straight said to be importunate: moreouer, it is to be considered, that to take those out of the world who haue ben the cause of some great mischance is not the next way to redresse the mischiefe, but rather to encrease it. Concerning the naturall malice of little children, being conceived in sinne, and that they retaine, or imitate the bad rather then the good, aske nature wherefore they are so? But you shall find that he which accuseth nature, condemneth himselfe, for we are all subiect to her lawes. If euerie thing should be taken at the worst, and according to your saying, the most part of men should deserue death, and you might be one of the same number? Where do you find that he or she is vnworthie to liue which hath not either a faithfull friend, or a louing neighbour? Seeing such happinesse is so rare, as all those which haue writ-

ten


childishly had killed her little brother. *De. 78.*

317

ten vnto this present time, doe not make mention of six
paire of faithfull friends? Amongst whom are *Theſeus*
and *Perithous*, *Achilles* and *Patrocles*, *Laelius* and *Scipio*, *O-*
restes and *Pilades*, & he must be a good friend with who
one would trust his child, and more then a good one, if
he will ordinarily haue the care and trouble to look vn-
to it. How would you then find amongst poor women
that which so sildome is found amongst so many fa-
mous men? It is verie likelie that this woman did not
kill her daughter as being cruelly addicted to murther,
but rather as being ouercome with a iust cause of an-
ger. The comparison which you make in likening her
vnto a brute beast is very odious, seeing that she would
not onelie haue defended her children against all those
that would hurt them, but also that the compassion
which she had to see one of them dead, induced her to
strike the other. In all ages there haue ben scene manie
shrewd turnes and mischances, therefore the fault hap-
pened in this our age may be repaired, if the Iudges wil
be pleased to bee as mercifull as you would haue them
mercilesse, for by that meanes the offence of a woman
shall be the cause that in after ages the mildnesse of our
Iudges shall be remembred.

Declamation. 79.

*Of a Turke who bought a child with a red head to
make poyson of him.*

 Poore woman hauing but one sonne which was of a
red coloured haire, which the Frenchmen doe in a
mockerie call the dissembling haire, put her said son
to serue a merchant, who within a while carried the child with
him

Of a Turke who bought a child for

him into Turkey, who whilest he there remained, there came a Turkish Physition oftentimes vnto the said merchant, to enquire whether he would sell the red boy? But the merchant alwaies answered him that he would not, until that on a time the boy said vnto him secretly: Maister sell me well, and giue the money vnto my mother to releuee her pouertie, and I will find the meanes to run away, and to escape from him well enough, so that I will returne vnto you or to my mother; the merchant agreed therevnto, and sold the boy for a certaine summe of Ducats, hoping to see the boy againe, but within a while after hee was very much abashed when he could see him no more. Wherefore he demanded of the Turke where the boy was, and intreated him so earnestly that he might see him again, that the Turk hauing brought him into his house shewed him onely the boies head, and all the rest of his quarters boiling in a cauldron, wherewith the merchant was greatly amased, but dissembling his sorrow as much as he could, asked the Turke what he would doe with that child boiled; the Turke answered him that it was to make poyson, and that he hoped to gaine more then ten thousand ducats by him: the poore merchant being very sorrowfull, brought the money home with him, and gaue it vnto the boies mother, telling her not without teares the whole truth of the matter, the mother refused the money, and required iustice of him that had sold her sonne, accusing him to be the cause of his death, and these were her reasons:



Ho is more miserable then I? Seeing by the fault of him, with whom I would haue trusted mine owne life, my sonne (being his seruant) was euen in one month sold as a slaue, & then most cruellie flaine: and why was he flaine? Alasse to be not onelie the instrument and cause of the death of manie others, but it may be to serue for the ruin and destruction

struction of all Christendome ; since there needeth but a little poyson to murder those that defend the same : I did lend thee my sonne to doe thee all good and honest seruice, vpon thy promise that thou wouldst vse him as thine owne ; I doe aske thee whether thou wouldest euer haue sold thine owne sonne vpon anie condition whatsoeuer ? Wouldest thou not haue sent him to trauell abroad, to see the world, and to learn vertuous qualities, that he might bee a stay vnto thy age, and a profitable member in the Cōmonwelth ? I hoped to haue had the like of my sonne, and the losse ought not to be esteemed anie thing the lesse, because he was sonne vnto a poore woman, for they when they once giue their minds vnto learning or anie other good qualitie, doe become more vertuous : as for example, *Agathocles* King of Scicilia, was not he the son of a potter ? *Viriat* king of Portugal, *Otto*, and *Tamberlane* Emperors of the East, were all three shepheards : *Arfaces* king of the Parthians would neuer bewray who were his Parents. *Ptolomey* the first of that name being king of Ægypt, the son of an Esquire, *Eumenes* one of the successors of *Alexander* was the sonne of a wagonmaker, *Dioctesian* Emperor of Rome was the sonne of a Notarie, *Pertinax* likewise an Emperor of Rome, his grandfather was a bondman ; *Valentinian*, the sonne of a ropemaker ; *Proba* the sounge of a gardener ; *Emilius* knew not from whence he came ; *Maximinus* was the son of a Muletter, with an infinit number of others of farre baser parentage then was my sonne, that haue ben the honor of all their countrie. Alas must the loue which I did beare vnto my child be measured by thy couetousnes ? Doe thou not know that a Turke neuer buieth a Christian for anie good that he wisheth vnto him ? And if he did,

Of a Turke who bought a child for

oughtest thou to allow him to deceiue his maister, and to run away from him? Thou shouldest haue chastened him for inuenting such a villanie; for I did not giue him vnto thee to the end that thou shouldest consent vnto his wicked counsell, but that he should be wel counselled and instructed by thee: but I doe very well perceiue, that it is not said in vaine, that couetousnesse is the root of all mischiefe. Cursed be the gold, I will haue none of it, for I know wel that they which will liue according to the rule of nature, haue no need thereof, and they which will liue after their owne mind, haue neuer inough, of which number thou art one, and that hath caused thee to cast away my son so miserable, for the which I demand iustice.

The Merchants Answer.

WHy dost thou persecute me, O thou woman, for a mischance that displeaseth mee no lesse then it doth thee? If it were otherwise, might not I haue kept this gold and haue made thee belecue that thy son had ben run away from me? Yea, and that he had robbed me, or els that hee had died by some other accident, then couldest thou well haue indured thy sonnes losse, together with thy poore life; but indeed thou verifiest the old Prouerb, which saith, That a woman is extream in all things, and that likewise shee commonly chuseth the worst: whereby I might haue been better aduised, when I told thee of this mishap, being therefore no lesse sorrowfull then thy selfe, for to say the truth, it was a great lamentable mischance, and now I doe verie well know how vnseemely it is for anie man to say, I had not thought, because euery wise man thinketh vpon euerie thing

thing before hee doe anie thing : Notwithstanding, I dare affirme that few men would euer haue supposed that of a child there might be poyson made to kill men: and surely I doubt whether thou art to bee blamed or no for bearing such a one : for such children are begotten by vnlawfull coniunction, when the woman is in her wicked disposition. Furthermore, if my son should haue perswaded mee to leaue him with that Turke, I know not whether I should haue done it yea or no. Lastly, I suffered him to doe what he would, thinking it should haue beene for his profit and thine, our deedes ought to bee measured by our good or bad meaning, and not according to the euent therof: and say not that a Turke dooth neuer buy a Christian to doe him anie good, for manie slaues doe there become great lords, and gouernors of Prouinces: thy sonne would not credit my counsell, and although I had not consented vnto his request, yet would he haue left me to accomplish it: the couetousnesse was in him, and not in me, hardlie may he bee either counselled or corrected that is naturallie enclined to wickednesse as hee was, and I beleeeue that hee had that from thee, seeing that to the death of thy sonne thou wouldest ad the destruction of the dearest friend that thou hast in the world, and who in stead of thy sonne and husband would bee the stay of thine age, and alwaies helpfull vnto thee. But it is trulie said: women naturallie can neuer forgiue a fault, nor acknowledge anie seruice or fauour that is done vnto the.

Declamation 80.

Of him that agreed to behead his father, after his father refused to doe the like by him.

IT chanced that a father & his son were both conuined of treason, for the which they were condemned to die, neuer theles as they were readie to bee executed, the Iudges being inclined to mercie rather then rigor, were willing to saue one of them, saying that the griefe which hee should haue that might see his kinsman die, would serue for a sufficient punishment, and to encrease the same, they feigned that the one of them should be the others executioner, & they put it vnto their choice who should be the executioner, and who the partie to be executed: wherefore either of them strined a great while who should be the partie to be executed, but in the end the son agreed to the death of his father, and according to the decree would haue beheaded him, the which the Iudges perceiving, they caused the execution to bee staid, and pardoned the father, and sent for the hangman to behead the sonne, but the father defended him, saying:

YOU ought not, O you Iudges, to pronounce your sentences in manner of a mockerie, or by the ambiguitie or reuocation of them to increase the affliction of the afflicted, vnder a coulour of moderating iustice with mercie: if mine offence be not worthie of death, why will you make me suffer many? That is to say, one in seeing the extremitie of the choice wherevnto you haue put vs, another in contemning my life and offering vp my necke at naught to be cut of by my son, and the third in seeing him to be condemned for being willing to accomplish your sentence? If it bee a cruell deed to see a sonne execute his father that thereby hee might haue his owne life saued, a greater cruelty would
it

it be for the father to kill the sonne? Wherefore O you Iudges you should not haue giuen so cruell a sentence: but can you blame a child if to saue the prime time of his youth, he doe not spare the withered age of his father, whose yeares are not manie, and they miserable? For to say the truth, age is an incurable maladie; but although it were not, yet sure griefe and dispaire would be my destruction: if you haue anie children, consider then what our miserie is? And if you haue none, learn of those which haue them, what the affection of fathers towards their children is? And then may you know that the extremitie of the choice which we haue beene put vnto, without encreasing our miserie, is sufficient to make vs seem more worthie of present pittie the of further punishment. Not in vain did *Lisander* of Sparta say vnto him that found him childishlie playing with his children, I pray thee (quoth hee) doe not disclose this my follie at anie time, vnlesse it be when thou hast children as wel as I: for that discreet personage did very wel know, that those which haue no children, doe neuer know how great the father and childrens loue is one vn:o another, the which doth wax more feruent as our years and age increaseth: wherefore it is no great wonder if my son hath consented to doe that which I could neuer agree vnto, seeing that his yeares are all too yong as yet to vnderstand so wel as I what true affection meaneth: therefore I cannot belecue that he whom *Manlius Torquatus* caused to be beheaded (to manifest his care in obseruing militarie discipline) could assuredlie be his own son, the which perchance himselfe did well vnderstand, & for that cause hee found occasion at one stroke to be both reuēged of the mother, in grieuing her with the slaughter of her sonne (the cause and witnesse of

his sorrow) and also by the same means to gaine an immortall memorie : I say memorie, because such kind of crueltie is not to be tearmed glorie. But how many are there who for want of yeares and discretion haue conspired their fathers death, and yet haue not beene compelled therevnto as this my sonne was, but onlie either for the desire of rule or greedinesse of goods: notwithstanding there was neuer anie father so cruell as to punish his sonne for all that, except *Herod* that abhominable monster, more cruell then anie brute beast; But *Dauid* did not he weepe for his sonne *Absolon*, by whom he had receaued so manie detestable persecutions, and iniuries? Must there then be a quarrell taken, because I haue ben more pittiful then my sonne? who neuertheless would not do anie thing without my commandement, & by the dutie which he ought vnto me, which hath chieflie induced him heretofore to commit that offence for which we are both condemned. Lastlie, reason willeth that your last sentence be not reuoked, for no sentēce ought euer to be reuoked to the hinderance or preiudice of such as are to suffer: if one of vs must die, it is I that ought so to doe, seeing that I was first born, and being the elder, I haue offended through malice, but he through ignorance, I willinglie, and he in obeying me; I then being the onlie cause that both hee and I haue offended, it is requisit that I onlie should die for both our misdeeds: and neuer imagine that my sonne doth for all that escape vnpunished, for as all my miserie shall in my death haue an end, so shall his calamitie in liuing together with his yeares dailie more and more increafe, as well in grieuing that hee hath offended the Commonwealth, as that he hath ben constrained to kill his father by their commandement, who
ought

ought to abhorre the onelic thought of so execrable a
crueltie.

The answere of the Iudges.

OVr sentence was not pronounced by way of
mockerie, neither was it reuoked to encrease
your miseries, but onlie to know (seeing you are
both twaine worthie to die) whether of you is most vn-
worthie to liue : for mercie which assuageth Iustice,
ought alwaies to be extended towards him that is least
culpable. Wherefore finding your sonne more faultie
then you, we haue appointed him to die, yet not by
your hands, for we know that the same were rather cru-
eltie then iustice, but we haue hereby made a certaine
triall whether there were anie vertue remaining in him,
when in consenting vnto your death, he hath bewraied
his vngraciousnesse, so that except you bee yet an ene-
mie to your countrie, you ought not to bewaile the
death of a man so wicked, or a sonne so worthlesse; but
we plainlie perceiue that euerie one fauoureth such as
himselſe is, and that you will neuer surceasse to hate the
Commonwealth : so that it will bee no great losse al-
though you should (as you say) die with griefe; for
such a losse shall be more profitable to all, then hurtfull
to anie: likewise of two wicked men we had rather saue
him that by course of nature will die the soonest, and
which hath little time, and lesse strength to accomplish
his wicked purpose. We haue children, but if wee did
know that they would euer bee like vnto you or your
sonne, wee would presentlie doe with them as wee will
with him, and as wee ought to doe with you; they are
to bee pittied which are poore and miserable, not such
as

Of a Chirurgion who murthered a man to see
 as are wicked and malefactors, for as to afflict the good
 it is an act of crueltie, so to punish the bad, is a deed of
 charitie : we doe not cause your sonne to die, for being
 willing to accomplish our sentence, as you say, but be-
 cause he being alreadie worthie of death, the same doth
 make him more worthie, and wee doe saue you by our
 speciall grace, because you would not kill him, shewing
 your selfe at the least a better father, then he is a sonne :
 and the dutie which he ought vnto you can bee no ex-
 cuse for him, for it is verie apparent that he would hard-
 lie euer haue obeyed you, had you commanded him to
 doe anie good : true it is that neuer anie sentence is to
 bee reuoked to the hinderance of the good, but as wee
 haue moderated the first to saue the life of one of you,
 so is it lawful for vs now to applie the other in such sort,
 that he may die which is most wicked. Allo the choice
 which we doe put you vnto cannot bee called crueltie,
 seeing that it was not to that end that it should be so ef-
 fected, neither was the same anie suddaine inuention of
 our owne thoughts, but it is to bee considered that the
 wickednes of malefactors causeth the iudges to inuent
 new & extraordinary punishments, thereby to repressse
 vice the sooner. To conclude, if you thinke that we do
 you any wrong, you may appeale vnto those who haue
 as great authoritie ouer vs as ouer you.

Declamation. 81.

*Of a Chirurgion who murthered a man to see the
 mouing of a quicke heart.*

There



Here was in Padua a most cunning Chirurgion, excellling all others of his time, who hauing made wonderfull experiences of his art (for no lesse is the desire of cunning, then is couetous of coine) had also a wonderfull great desire to open a liue man, that he might perfectly know the motion of the heart, wherevpon hee made diuers and sundrie requests vnto the Senat of Venice, that they would grant vnto him some condemned malefactor, to make therewith this his desired experience, but he could neuer obtaine the same at their hands, for the Venetians are by nature not only pittifull, but also somewhat superstitious. But these refusals did but the more encrease the longing of this Chirurgion: for to say the truth, euery haughty spirit are in that like vnto women, who doe for the most part couet after that which they are forbidden to touch. So that hee being still in this rauiing or rather longing, there came vnto his doore a poore souldiour, very well proportioned and of a sound bodie, comming newly from the wars, and demanded his almes of the Chirurgion, who caused him to come in, and cherished him secretly some three daies after his owne fantasie, afterwards hauing brought him downe into a caue, he caused him by certaine fellows hired for that purpose, to be bound vnto a post, and opening him aliue, he saw that in him which he so greatly desired, but as no murther can euer remaine vndisclosed long, so it happened that one of his confederats was taken for some other crime, and being vpon the racke, he amongst other matters, reuealed the murther which he, his companions, and the Chirurgion had committed, wherevpon they were all taken, and the Chirurgion confessed the fact, saying:

TRue it is, most iust Iudge, and you worthie Senators, that I haue ben the death of one man to saue the
the

Of a Chirurgion who murdered a man to see
the liues of an infinit number of others, not onelie by
the cures which I hope to performe during my life, but
by that which I will leaue behind mee in writing after
my death: wherefore it may bee said that hauing made
an experience so notable and profitable, I haue done
worthilie, but hauing killed a guiltles man I haue done
wickedly. I confesse it, and would confesse to haue of-
fended more hainousslie, if I had not more then once
intreated, that to preuent a further mischiese, I might
haue beene allowed to make this triall vpon some con-
demned malefactor, the which I was neuer permitted
to doe: some one may answere, must you therefore kill
an innocent? Or doe that by your owne authoritie,
which a whole Senate would neuer allow? Doe you
thinke that your authoritie alone is greater, or your wis-
dome more then all theirs together? God forbid wor-
thie lords, that I should euer presume anie such matter;
but I dare & that trulie affirme that it is lawfull for Chi-
rurgions to doe many things which is not decent to be
allowed by the Senators: nay, they would abhorre to
heare it but mentioned; what a thing were it if at all
times when a mans leg or arme, or the breast of a wo-
man must bee cut off, to saue the rest of the bodie, that
first the Counsell should bee moued, or leaue requested
of the Senat for the same, would it not bee a horrible
matter? And as at Rome heretofore the first Chirurgi-
on was stoned by the people; so would they now be-
come verie odious vnto the Senators, being vnskillfull
of the profit of that art: therefore all things which are
odious, but necessarie, ought to be done in the most se-
cret manner that possiblie they may be; let not this then
be any further reuealed, which for a good intent & vp-
on a most iust occasion I haue done secretly: concer-
ning

ning the innocencie of him vpon whom this trial hath ben made, there is no prooue nor any certainty thereof, but rather manie presumptions to the contrarie: for first he had a bad countenance, hee came from the wars which is a place wherevnto one goeth to no other end but to kill, or to be killed, he left his captain in the midst of his wars, without either leaue or passport from him, which is a manifest prooue that hee was attainted of some notable crime, or els is worthie so to be for flying from the field, or not performing such duties as souldi- or are sworne to obserue; for none ought to bind him- selfe vnto anie thing without doing his indeuor to discharge the same; He was poor and oppressed with hunger, wherefore I may say that his death hath saued their liues whom it may bee hee would haue robbed by the high waies: for commonly those which are idelly brought vp in the wars, doe neuer desire to gaine their liuing by an honest trade or exercise, so that in the end they become fit to furnish the gallows. If then his offences haue induced mee and mooued my mind vnto his preiudice alone, to act that which is for the commoditie of many, euery louer of arts, and welwiller of the Commonwealth, will not find this deed so strange as it seemeth in shew to be vnto the ignorant & vulgar sort, but they will rather iudge it to be somewhat commendable. To conclude, most worthie Iudge, and you famous Senators, I trust so much in your wisdomes, as it will please you to consider that euery bad act, which is not onely grounded vpon some iust reason, but also which redoundeth to a benefit & profit no lesse whole- some then necessarie for the whole Commonwealth, is turned into a good act, or at the least is sufficient to excuse the authour thereof: and especially when the same
hap-

Of a Chirurgion who murthered a man to see
happeneth not casually or by chance : but proceedeth
of a good, free, and sincere intencion as mine may bee
tearmed, and as all my actions haue euer beene knowne
to be.

The Answer of the Attorney Generall.

THe accusation of your companions inforceth
you to confesse your fault, and your iniquitie cau-
seth you to allow the fact, which maketh your of-
fence not only double, but also treble, in that you seem
to prooue by friuolous reasons, before so worthie an
assemblie, that you haue not misdane; which is both
absurd and false, for neuer can anie bad act, bee the be-
ginning of anie good deed : but I would know, who
hath made you more able, or more bold, to desire to try
that which so manie excellent men in times past, would
neuer attempt, because they would not doe anie
thing cōtrarie vnto humane pittie; could not you com-
prehend that which you seeke by consideration, as well
as others haue done before you? Trust me, in going a-
bout to shew that you are more sufficient then all men,
you therein do plainlie set forth your ignorance, which
can comprehend nothing without experience. It see-
meth by your saieng, that all the skill of your art, confi-
steth in experience; if it bee so, you ought to haue in
your bodie euery disease or accident one by one, wher-
of you would cure others, or els you must beleeeue
that which other men haue written thereof: the which
you should also haue done without making such a cruel
experiment, the which (if you had been as well aduised
as you were curious) might haue ben done vpon some
beast whose entrals had not beene much vnlike vnto a
mans;

mans ; but as those that haue vsed to shead humane blood, cannot refrain from the same when they would, so you being accustomed to cut off members before there be anie great need, waxing euerie day more cruel then other, were desirous to come so neer as the heart : Therefore he which said that Phisitions are Alquimists of mens bodies , should likewise haue said that Chirurgions desire nothing so much as wounds and sores. If the decrees doe forbid to make an anothomie of a dead bodie, & the Senat would not grant vnto you one that was condemned , was not that sufficient to make you know that you should offend God and his law in causing a man to die for your owne pleasure ? And it is not enough for you to haue slaughtered him, but you must yet further goe about to slander him ; surelie, it is an ancient custome of the wicked to blame the good, for you who are a notorious malefactor , would reproch him whom you neither knew nor euer frequented his companie, except when you murdered him, vnder the coulor of charitie and deuout hospitalitie . Were not you bound (he being in your house and protection) to defend him against all those that would in anie sort hurt him, which is farre from murdering him your selfe ? I know not whether the Romanes did amisse in stoning *Talister* their first Chirurgion : but I am sure that wee had beene better not to haue giuen so much authoritie vnto ours. The surmises which you alleage against the dead, are neither credible nor of anie worth , for few men had a worse countenance then *Socrates*, neuertheless there was hardlie found a better man in all Greece or one more harmlesse then he : you say he came from the warres ; It was a signe that he abhorred the crueltie thereof, and there is none but you that saith he was run
away.

Of the rich man that married a poore

away from thence without a passport; I would know if it were so, how he could passe so far as your dore? You reprocue him for his pouertie, but where doe you find that pouertie is a vice? I say that when a souldiour cometh poore from the warres, it is a signe that hee hateth the thefts and robberies wherewith by supposition you would accuse the poore dead man: but who hath appointed you to punish another mans faults: and especiallie those which are vnknowne vnto you? If as you say your spirit was mooued to doe the same, it behooueth to seperate that spirit from the bodie, which is so readie to effect the euill desires thereof: Neither is that fit to be allowed which the people doe dislike altogether, for it is the common opinion, that the peoples voice proceedeth from Gods voice. Moreouer, if such faults should be borne withall, it is to be feared that the people should not (onlie) be scandalized therby, but also they might easilie immitate the same, for there is no offence so great that findeth not some shew of a lawfull excuse, when the Iudges are disposed to winke thereat: But why doe I say (onlie) saue onelie because vices are vnpunished? Let vs therefore doe well, least this Commonwealth which hath flourished twelue hundered years through the good iustice obserued therein, should decay if the same were now neglected, for the same corruption which is in a bodie without a soule, is in a Commonwealth without Iustice. Consider then you worthie Iudge and Senators, that neuer murtherer had his wil or intention, good, free, or sincere, as this fellow saith his is, for the actions are alwaies witnesles of the intent and meaning of men.

Declamati-

Declamation. 82.

Of a rich man that compelled a poore man to giue him his daughter in marriage.



He law appointeth, that euery maiden that is taken by force, or she whom one hath had at his pleasure by any manner of compulsion or abuse, may either chuse the death of him who hath forced, constrained, or abused her, or els he shall bee bound to take her to wife without anie portion at all to her marriage. Whercupon it happened that a rich man of Greece entreated a poore man of the same countrie three sundrie times, to giue him his daughter for wife, but the poor man would not, within a short time after as hee went together with his daughter to goe to some place by sea, the ship happened to wracke, so that the poore man and his daughter saued themselues in a little Island belonging to the said rich man, who at the same instant chanced to be there, wherfore this occasion fitting to his desire, hee friendly entertained the old man, made him good cheare, and again requested him to bestow his daughter vpon him, the poore man made him no answere at all but wept; the rich man finished the marriage with her the same euening: euerie one being returned into the cittie, the father would haue carried his daughter before the Magistrate, but her husband would not consent that she should goe thither. Whercupon the poore man said vnto him:

Let my daughter come before the Magistrat, if thou be an honest man, for if she bee thy wife, what needest thou to feare? But if thou hast constrained her,

2

why

Of a rich man that married a poore

why wilt not thou submit thy selfe vnto her choice, thy feare accuseth thee, and is a witnesse that thou didst take her against her will; thou art no honest man if thou fearest that she will chuse thy death, for he which forceth a maid cannot die too soone; why doe you doubt if I haue giuen you my consent? If I haue denied you, why should you haue her? Hauing demanded her of me when I was at libertie three seuerall times, I did euerie time denie thee: and the fourth time being in thy power, not daring to refuse thee with my tongue, I refused thee with mine eies and my teares, seeing then that by two seuerall meanes thou wert refused, and that no bodie agreed that thou shouldest haue her, how canst thou denie that thou tookest her by force? Alas, I doe lesse grieue at my losse by sea, then I am sorrie for the other which I haue suffered since my comming to shoare, for betweene the time of my shipwracke, and the forced marriage of my daughter, there was not one night. What sonne in law would not tarrie vntill his father in law had dried vp his teares? But how should I trust thee with my daughter, seeing thou darest not trust me? Thy malice is an hinderance thereof, for thou knowest verie well that thou art the cause of our shipwrack, hauing made a fire not in the vsuall port of thine Island, but in such a place where thou wert well assured the ship could not arriue without wracking, so as not in the sea but in the countrie wee were cast away? And I was twise cast away by the losse of my daughter, euen when I was wet, and being astonished with the sea, and giddie with the wind and waues, thou camest vnto me to request my daughter: as a ship wracked man, and a captiue I did my indeuour, refusing that by my teares, which being free I did with my tongue three times denie

nie thee, thou rich leacher, but yet thou seing vs in such calamitie, thoughtest once more to win vs to thy lure. It must be knowne whether that may be called a marriage which is done in the nooke of an island being almost desert, where none were present but a few people that escaped from shipwracke, all our teares were tokens that wee desired no such thing. They are arguments of vnwillingnesse and witnesses of the hearts sorrow, no man weepeth for that which he desireth, but teares are in steed of intreaties for those which are shamfaste, and are ashamed to intreat; Thou canst not then deny that thou rookest my daughter by force, and it is the more likelie, because thou wilt not submit thy selfe to law, and stand to her choice whether shee will haue thee for her husband or no.

The rich mans answere.

THou hast nothing to say nor anie thing to doe with my wife, except it be to see her. Neuerthelesse, I refer it to her owne choice whether shee will goe to the Magistrate yea or no: but I would not that it should bee at thine instance nor when thou wouldest, for I doe verie well know that she was neuer content with those refusals that thou madest me, therefore can it not bee said that I haue taken her against her will, nor against thy liking, for by the lawes silence is a consent; concerning thy teares, I tooke them for a good token, beleeuing that they proceeded for ioy, not only that thou haddest escaped drowning, but to see that in so great miserie I did not yet disdain to be thy sonne in law, as also that thou wert ioiful to behold my constancie in louing thy daughter. For teares are not as thou saiest alwaies signs

Of the rich man that married a poore
 of sadnesse, but sometimes tokens of ioy, and especially
 when they are accompanied with silence, for sorrow in-
 forceth a man to speake, and ioy prouoketh silence. As
 for the fire which thou saiest I did make to cause the
 ship wherein thou wast to bee cast away, there is none
 but thou that cōplaineth thereof, for euerie one know-
 eth that my sheepeheard made that fire for their com-
 moditie, without thinking to hurt anie man thereby.
 And for the marriage it was solemnized as commodi-
 oullie as the place could afford. And it is not to be won-
 dered at, if one who hath long time loued most ser-
 uentlie, did take the fruition of his loue as soone as pos-
 sible he might, for the nature of louers is, to thinke e-
 uerie minute a month; and fearing to lose the good so
 much of them desired, they can hardlie beleue that
 which they both see and touch. I will willinglie submit
 my selfe to the law, but I will not that thou shouldest
 haue the credit to compel me in anie sort. Thou hast no
 cause to complaine of thy shipwracke, seeing that from
 the same two holie actions haue proceeded, that is to
 say, hospitalitie, and mariage, I offered thee the one, and
 intreated thee for the other. Thou art deceiued if thou
 thinkest that I will loue thee or thy daughter anie whit
 the more, my life hauing ben once in your power, the
 loue which I doe beare vnto her is great inough, with-
 out bringing me vnto such an ouergreat extremitie, far
 better is a free and voluntarie loue, then is that which
 proceedeth from anie bond; my affection cannot be in-
 creased, because it is alreadie perfect. My marriage de-
 clareth that I neither rauished nor constrained thy
 daughter at all, vnlesse it be because I married her with-
 out anie substance at all, if thou art not content that I
 haue so done, giue mee her portion and I will accept it.

If

If thou hast no goods, vse mine as the goods of thy daughter, and let vs liue in peace.

Declamation. 83.

Of a blind woman that would haue detained her sonne from redeeming his father out of prison.



He law appointeth, that euery child which was old enough to serue and releue his father or mother, and would not indeuour himselfe so to doe, ought to bee imprisoned or kept in bonds as a bondslau. Whereupon it chanced that a man made a long voiage by sea, leauing his wife and sonne at home; being vpon the sea, he fortun'd to be taken by Pyrats, so that he was constrained to write vnto his wife and son, that they might find the means to ransom him out of captiuitie. The wife wept so much as she became blind therewith, the sonne would needes depart to redeeme his father, but his mother would detain him, demanding that seruice at his hands wherunto the law did bind him, and would haue caused him to be laid in bonds, because he would not tarrie, the sonne pleaded against her thus:

Tis sufficient that two remaine in bondage without desiring that the third should likewise bee laid in bonds, the prison detaineth my father in thraldome, and your bondage mother is your blindnesse. Wherefore will you heape miserie vpon calamitie in bringing me also in captiuitie? what wrong doe I vnto you in leauing you a little while for so good an intent as to releiue my father? Will you haue the world to doubt that you are not so louing a

Z iij

wife

Of a son that would haue redeemed his father,
 wife towards your husband as alwaies hitherto they
 haue esteemed you? Will you that for your sake a man
 may say that all women are in their extremities? Doe
 you not know that vertue consisteth in a meane? Will
 you haue me to forsake my father? do you not perceiue
 that his captiuitie summoneth mee to trauell for his li-
 bertie? Doe you not consider that the chiefest part be-
 longeth to the father, and the second vnto the mother?
 He is abroad, you are at home, he is in bondage, you
 are free, you are amongst pittifull Cittizens, hee in the
 hands of pittilesse Pirats, his feet are fettered, but thanks
 to God yours are at libertie: true it is that you are blind
 but alas he is farre more miserable then you, for your
 blindnesse hindereth you from beholding an infinite
 number of things which would vex you, but he conti-
 nuallie seeth his enemies, vieweth his chaines whippes
 and bastinadoes which he often feeleth and hourly fea-
 reth, and looketh vpon the oare and other instruments
 wherewith he is euermore tired. You say the voiage is
 too dangerous for me, how manie are there, that to win
 the loue of some gay ladie, will not sticke to aduenture
 anie daunger whatsoever? Why then should I feare to
 deliuer my father? Consider that such as hinder others
 from well doing, doe amisse themselues, and that hee
 which giueth not all the aid he can vnto those that are
 afflicted may be well said to bee the onlie cause of their
 affliction. Wherefore deare mother, I beseech you not
 to be one of that number, or if you will needs bee, yet
 suffer me not so to be.

The mothers Answer.

IT is thou that desirest vnto my husbands losse to ad-
 my sonnes lacke, and so finallie to procure my vtter
 desolation, leauing mee here alone blind and poore;

If

being hindred by his blind mother. *De. 83.*

339

If thy father being old & subtle, could not escape from being taken by Pirats? How wilt thou being yong and simple, shun the like perils? Doest thou say that thou shalt leaue me for a small time, when I know thou canst neuer return? If thy father had beleeued me, he should not now haue ben in that calamitie wherein he remaineth, and into that which thou wouldest cast thy selfe, neither yet should I haue beene constrained to haue brought that loue in question which thou saiest thou bearest vnto vs both; in that which I require, there is no extremitie at all, for being bound vnto twaine, he or she that is present, may command as being the nearest: thy death or thy losse will not anie whit deminish, but rather double thy fathers miserie, when he shal know it, if he be not dead already, as I fear he is: For yong men may die too soone, but old men cannot liue anie long time: if he were aduertised of my blindnesse, I am sure he would command thee not to forsake me, how wouldest thou then haue thy voiage to prosper when thou vndertakest it contrarie to thy fatherrs meaning, and against thy mothers mind? Where is thy true obedience? Is this the recompence for my bringing thee forth with so great pain? And for nursing and bringing thee vp with such exceeding care? In seruing me thou doest well, in leauing me thou doest ill: so that thou canst not saie that I hinder thee from well doing. But I would rather persuaade and compell thee therevnto if I could: likewise, I haue as much need of helpe as thy father hath, who did himself command thee not to forsake me, when he departed from hence, and then being not blind, I had no such need of thee as now I haue. Neuer imagine that God will euer fauour thee if thou now forsakest me.

Declamation. 84.

Of a rich man who thinking to burne the tree of a poore man, did also burne his house.

He law appointeth, that whosoever harmeth another man vnadvisedly, he must but onely recompence the hurt that is done, but if anie doe a mischiefe of set purpose or maliciously, hee must make satisfaction for the same fourefold. Whereupon it happened, that a rich man dwelt next house vnto a poore man, that had in his small garden a great tree growing, which did take away a great part of the prospect from the rich mans house, who did oftentimes intreat the poore man to sell him the said tree, but hee would in no sort consent therevnto, affirming that it ought to remaine there in remembrance of his deceased father, who had himselfe planted the same. At the last, the rich man seeing that he could not preuaile, did upon a night set the said tree a fire, which flamed out so vehemently, that therewithall he burned the poore mans house. For which the rich man offered to pay for the tree fourefold, but for the house he would pay no more then once. On the contrarie the poore man would haue him make a fourefold satisfaction both for the one and the other, saying:

If you had not maliciouslie set my tree on fire, my house had not ben burned. But what likelihood or prooffe is there, that you meant not to burne my house with me and my familie therein, as well as the tree, seeing that the one was so neere adioining to the other, and

and that you fired the same in the night season, yea, and that about the time of our first sleepe, which is the deadeft time of all, watching a fit season when as the wind blew directly toward my house that you might be able to saue your own from harme? Where is iustice? What is become of the laws, seeing that what could not bee obtained by entreaties, nor effected by threats, is attained by force vnto the daunger of the liues of a whole familie? What doe you call tyrannie, but onlie when a man doth what he listeth, and without reason vletth reuenge, when no offence hath ben offered? And when that which cannot be wonne with siluer is wrought by fire? If lawes take any place, there is no difference betweene the rich and the poore, and as well may the one as the other enioy that which is his owne: you haue large possessions and houses in the countrie as well as in the cittie, betweene your buildings and round about them, you haue meddows, woods, and riuers to delight you, and yet of all these nothing was more pleasant to you then my ruine, in causing me to lose my house; me I say, who onlie could passe no further then this tree: why shal I not say that thy voluptuoufnesse and thy delicacie maketh thee like vnto *Nero*, who delighted to see Rome a fire? Euen so for thy pleasure thou hast in one houre burned all my patrimonie, and mooueables, as thou wouldest in like sort haue burned vs, had wee not escaped from the fire starke naked. You say that my tree kept the aire from your house, I pray you fir did not your galleries and high wals doe the like by mine and others mens? And your great store of seruants do not they dailie molest vs, vnder the coulour of your greatnesse? And the dunge of so manie horses as you keepe doth not it infect our aire thinke you? You deeme that
all.

all these discommodities are nothing at all vnto vs, but yet one peore tree of mine seemed vnto you a whole Forrest, my losse is inestimable, seeing that by the saieng of my furious enemy, I haue lost more then he was willing I should. My request is but reasonable, that either the fire may end with his house that kindled the same, or els that he may make me satisfaction according to the law.

The rich mans Answer.

I Did not burne thy tree through malice, but was constrained therevnto by necessitie, for the same hindring the wholesome aire that might breath into my house, made it pestiferous: how manie times haue I intreated thee, saieng; take what thou wilt of me, and let me at the least lop the branches of this tree, for they do not profit thee in anie sort, but they annoy me greatlie? Yet was it neuer possible for me to obtaine so much fauor at thy hands: to what end serued those boughes, which did nothing at all shaddow thine but my house? Manie such like requests haue I made vnto thee, but it was in vaine, because the desire that thou haddest to annoie my house, hindred thee from chusing that which was profitable both for thee & thine; for those boughs did already ouerpresse part of my house, and thrust downe the wal, and finally would at the length not onlie haue shaken, but quite throwne downe the same, for there is no violence so great as that which increaseth by little and little; but why was the law of fourefold restitution made, but onlie because the lawmakers did assuredlie thinke, that there would be men as obstinate as thou, of whom it should be impossible to obtaine anie reason.

reasonable thing by courtesie? I caused the tree to be burned in the night, to auoid the sedition of the people, I did not think that the fire should haue passed anie further, but what can I doe withall if misfortune (the iust reuenger of thy obstinacie) do pursue thee? It cannot be said that I vse anie tyrannie, because I am readie to submit my self vnto law. And the comparison which thou makest between the rich and the poore man is no lesse odious then absurd: for the difference consisteth in that the rich man is able to doe more for the conseruation of the Commonwealth then the poor man can; for he vnto the great store of his household seruants may likewise entertaine other souldiors for the defence thereof, whereas the poore man at that instant serueth for no other end but to increase the famine, or to discourage others: in like sort there is as great difference betwixt my deed and the fact of *Nero*, as there was betwixt thy tree and thy house, and the great cittie of Rome. Finally so small a trifle is not worth so much talking, and chiefly because I refuse not to satisfie thee according to the law, and thine owne request, for the law appointeth that whatsoeuer I haue burned willinglie, I should restore vnto thee fourefold, and for the rest which was vnwillnglie done, I should but onlie pay thee for it as it was worth.

Declamation. 85.

Of Agamemnon who first promised, and after would not sacrifice his daughter Iphiginia.

All

Debate betwixt Agamemnon and Menelaus



*Al*l the Grecians being assembled together at the port *Aulida*, to go vnto *Troy* for the reuenge of the rape of the faire *Helena*: The sea became a long time so tempestious, that they could not depart thence; wherupon *Chalcas* their chiefe priest cōsulting with the gods, after many sacrifices, prophesied that the sea should neuer be calme vnlesse that *Iphiginia* the onlie daughter of *Agamemnon*, General of the whole armie and brother to *Menelaus* the husband of faire *Helena*, were sacrificed vnto *Diana*; so that *Agamemnon* because he would not lose the honour to be the greatest of all the Grecians, consented vnto the death of his daughter, and writ vnto his wife *Clitemnestra* that she should send her daughter vnto the said place, faining that it was to assure her in mariage with *Achilles*: shortly after repēting him for the abusing of his wife in such sort, and being sorrie that his daughter should die, he secretly sent another letter, commanding his wife to hide her daughter, that shee might not be taken to be sacrificed: this last messenger was surprised by the way by *Menelaus*, who accused his brother of ambition and Treason, saying:



Seeing that all the warlike men of *Greece* haue done you this honour, aboue so manie other noble and worthie men, to chuse you onlie for their Generall, why will you like a most iniurious and periured man so wickedlie betray them? Doe you not yet know that the gods wil neuer permit a treason so great and manifest to be hidden, and especiallie when they themselues are interessed therein? Know you not that *Diana* requireth your daughter for sacrifice,

fice, it may be to punish your ambition, or to chastise the pride of your wife, or rather to extirpate the presumption of the same your daughter? Trulie I beleue if none of all these three reasons doe prouoke the chaste Goddesse vnto iust punishment, yet all these three together doe stir her vp vnto a iust reuenge; iust I say, because that the gods doe neuer anie thing vniustlie: but who knoweth if the goddesse (foreseeing the future lasciuiousnesse of your daughter) be determined to haue her before she be stained, or els that she desireth to haue an vnspotted virgine to be offered vp vnto her, that she might be the more fauorable vnto vs, and make vs conquerors ouer the rauisher of the chastitie of *Helena*; for whose defence you and all the nobilitie of Greece were bounden, before she did chuse me for her lord and husband: and yet whilest I was absent, you suffered her to be rauished & caried away, which maketh me to thinke that the Goddesse being displeased with you, is desirous to haue the same fault purged in the presence of all the Grecians, by the death of your daughter. Finallie, the iudgements of the gods are secret, but when their wils are manifest, they ought to be accomplished. The goddesse requireth *Iphigia*, you haue promised her, we doe looke for her, therefore we ought to haue her; especiallie seeing all the skill that man hath is notable to prolong her life one onlie minute against the will of the gods: and although you might saue her, yet ought you not to preferre her life either before so manie worthie Grecians, or before the honour of all Greece. But why should all the rest of *Priams* sonnes, or anie other Barbarian feare to enterprise anie thing against vs, If it shal be reported that for to saue, or thinking to prolong a maidens life, the whole armie of the Grecians assembled

bled together at such an infinit charge and with so great
 trauel should of it self be so suddainlie dissolued. What
 ambition can be then more great, then to vsurpe the ti-
 tle of a Generall, and not to performe the durie therof?
 And what Treason is more manifest, then to goe about
 to defraud all Greece of the honour obtained by the
 blood of our ancestors? If it was thought a strange
 matter that *Ulysses* fained himself mad because he would
 not goe vnto the warres, and if for the same cause the
 parents of *Achilles* were dispised hauing concealed him
 in the habite of a woman? What shall wee say of you,
 who would not onlie deceiue our armie of one or two
 men, but would (if our selues wee will not giue it ouer)
 that all of vs should bee swallowed vp in the waues of
 the sea? Doe you not consider that the greatnesse of
 your charge bindeth you to bee more couragious and
 righteous, then all the rest? Who then will iudge you
 to be such a one, if you repugne against the will of the
 gods? If you contrarie the desire of al men, and with-
 out anie shame at all, performe not your promise? If it
 be so, I dare say the Grecians are vnhappy in chusing
 such a Generall, and you an unhappy Generall seeing
 that by your default the Grecians shal lose their ancient
 reputation. You may say that a fathers loue is great; I
 agree therevnto, so ought such as are highest in authori-
 tie (as you would be) condiscend vnto great things, es-
 peciallie when as reason requireth: consider then for
 whom you doe giue your daughter, it is for the honour
 of your brother to recover your sister in law, for beautie
 the onlie paragon of all the world. It is to be reuenged
 of our enemies for the safetie of our countrie, to con-
 firme the ancient valor of our nation, to winne vnto
 your selfe an immortall glorie, and that which is more
 then

then all the rest, to fulfill the good pleasure of the gods: of whō one alone is able to destroy all mankind. Consent thē (as you are bound) to obey their diuine power, to performe your dutie, to pleasure your brother, to recover your sister in law, to saue the Grecians, to maine-
taine their ancient reputation; and especiallie to shun the name of a traitor. That your daughter my niece, may bee offered vp a pleasing sacrifice vnto the gods, who do neuer request any thing hurtful vnto their creatures, and it may bee that they will saue her; as well to manifest their mercie, as to prouoke vs ioifullie to obey their commandements, from the which wee can in no sort excuse our selues.

Agamemnons Answer.

HE can neuer be tearmed ambitious, who neither by force, tyrannie, nor subiltie, attaineth vnto anie rule or dignitie, but onlie by vertue, and the election of manie: which in direct means there is none can say that I haue vsed. As concerning the pleasure of the gods, that mine innocent daughter should be sacrificed, what certaintie haue wee thereof, but onelie the word of the priest *Chalcas*: whole priestlie dignitie I do not contemne, but rather his humane person, being as readie to erre as the worst man in our troupes. But I would faine know what pittie could remain in the gods if they delighted or tooke pleasure to behold the shea-
ding of innocent blood? I cannot belecue that the same is to preuent the losse of her chastity, for as great power hath the goddesse to maintain her virginitie, as to shorten her daies. Moreouer, of extreames not onelie the gods, but also euerie vertuous man doth alwaies ende-
uour

your to chuse the best, whereby it appeareth, that they
 by the death of an innocent virgine, will neither recure
 lasciuiousnesse, nor your owne negligence; wherevnto
 neither the Grecians, I, nor my daughter are in no sort
 bound. For you needed not to haue receiued *Paris*, the
 sonne of a barbarous king into your house, much lesse
 to entertaine him there a long time, and least of all to
 leaue him at your departure all alone with your wife:
 Do you not know that it is verie dangerous to leaue fire
 and flax together? Are you such a foole that you know
 not how yoong men are lasciuious, and women light?
 But who knoweth not that ambition and lust respect no
 law? Haue not you tried that loues poison creepeth in
 by the eies and eares? Did you not thinke that the same
 beautie, which not onlie inflamed you, but all Greece
 was as able to set a yoong Barbarian on fire, who was
 by nature lasciuious? I confesse that the iudgements of
 the gods are secret, and therefore ought we first to bee
 thorowlie assured of their wils, before we either giue a-
 nie credit therevnto or effect the same, least in thinking
 to obey them, we doe disobey them. What prooffe haue
 you that *Diana* requireth the death of my daugh-
 ter, saue onlie the word of an old man, who either do-
 teth, or it may be would haue this honour, that at his
 bare word the warlike and inuincible Grecians, ouer-
 come with superstition, haue sacrificed the noblest and
 worthiest maid of all Greece? And neuer alleage that
 the gods desire the best things for sacrifice, for that is
 meant onlie by brute beasts, but as for humane crea-
 tures they doe preserve them, witnesse the old age of
Nestor and others. Neither did there euer anie great
 good proceed of too much superstition, which dooth
 much differ from true religion, because the one alwaies
 tendeth

tendeth vnto that which is good, and the other vnto that which is bad. If *Diana* require her death, shee may find her well inough where she is, without dishonoring me by the deliuerie of her? Which in sooth were a trecherous part. What certaintie or assurance will *Chalcas* giue that the seas shall bee calme by the death of my daughter? Durst he gage his head that so it shall be? and although he would so doe, is those few years which an old man may liue to bee compared vnto the youth of a Princeesse, who by her progenie will be able to illustrate all the world? To kill our owne children is not the way to combate *Priam* and the rest of the Barbarians: I wil not faile in anie sort from the dutie of a good Generall, no not in spending mine owne life; but my daughters, that will I not giue no more then you your selte would doe, if one should likewise demaund your *Hermione* as well as my *Iphiginia*. I will not in anie sort accuse either *Vlisses* or *Achilles*, but I doe excuse my daughter, who is no way culpable of the forced or voluntarie adulterie of her aunt. The same reason which commandeth mee to be couragious, doth also forbid me to be cruell: but what crueltie can be more vild then to kill an innocent virgin? And how much more execrable is it, for a man to kill his owne daughter? I did at the first promise her, as well to auoid publicke sedition in our armie, as also to haue leisure thereby to laue my daughter, for I hoped that you your selfe, and they altogether deliberatlie considering the crueltie of the fact, would at the last confesse with me the same to be altogether tyrannicall and vnlawfull: for the gods doe neuer fauour such vniust acts. To conclude, so long as the breath remaineth in my bodie, I will neuer consent vnto the death of my daughter, for it is sufficient inough that we do leaue our
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Of him that maimed two children, that he houses, forsake our wiues, abandon our children, and free lie vndertake this iournie no lesse painfull then perillous to our persons, without suffering our daughters to be sacrificed or offered vp to recover that which you haue negligentlie lost, and know no other reason why. And I cannot beleue that anie amongst so manie worthe me should be desirous, or would willinglie behold such a detestable deed but onlie you, who thinke to encrease your owne house by the ouerthrow of mine.

Declamation 86.

Of him that hauing taken vp and fostered two yong unknowne orphants, did maime them because he might the better beg with them.



He law forbiddeth, that no man should either hurt or hinder the Commonwealth in any sort. Whereupon it happened, that a man found two infants, who through their parents pouertie were laid abroad and left vnto the mercie of the world. Wherefore he tooke them, and fostering them vp in his owne house, he did wryth and breake the ioints of their armes and legs in such sort, as hee quite maimed and lamed them, to the end that by begging with them he might gaine the money. Which being knowne, he was taken and accused to bee offensive and hurtfull vnto the Commonwealth. And his accuser said in this sort:



Lasse, how miserable are these infants, who haue found one that hath beene much more cruell then he or she that cast them forth. Seeing

ing that with the price of their members they are forced to paie for their bringing vp (or to say more trulie) to satisfie the greedie couctoulnes of him that faineth to be their fosterer : for if hee had not done it for couctousnesse, the verie name of orphants might haue sufficed to haue obtained a reliefe both for them and their fosterfather. If those that through anger or malice doe wound or kill a man are punished, What punishment is not this mischeeuous wretch worthie of, who hath done far worse, in making these poore infants for euer miserable ? Wherein hee hath shewed himselfe much more vnnaturall then the brute beasts, (if it bee true as Histories report) that in such a necessitie, *Cirus* Whilom King of Persia, was nourished by a Bitch, and *Remus* and *Romulus* first founders and Kings of Rome, by a shee wolfe. O neuer hard of crueltie, when the lame and impotent are constrained to get his liuing that is whole and sound, who hath not onelie made them vnprofitable, but odious and burthenous vnto the Commonwealth ! For they serue to no other end then to increase the famine therein, and also in the day of battaile to discourage the hearts of most valiant by their lamentable cries and complaints : in like sort it may so happen that some womā with child may dreame of thē in such sort as with the verie fright thereof she may bring forth the like cripples . All that which this lewd fellow can alleage is, that if he had not beene, these infants had died with hunger ; It may bee no : For how manie others might haue found them, that both would haue cherished and brought them vp for the profite of the Commonwealth ? How manie such as they haue become famous warriors, yea and Kings ? Whereof *Cirus* and the two foresaid Romans are sufficient examples : but this

Of him that maimed two children, that he

vngracious man hath cut off the tongues of some, to the end that without speaking they might be more importunate in crauing : seeing then O Iudges that you are pittifull towards euerie one particularlie, extend your mercie towards these twaine here together : he is above all other most cruell, who vnder the coulor of mercie, doth most mischiefe : these poore children are carried about to feasts and publicke assemblies, to beg their almes, where beholding the soundnesse and nimblenesse of others, their sorrow is the more in seeing themselves maimed : other orphants or castawaies that are found, are not altogether hopelesse to find their Parents againe, or to be knowne by them, but these wretches can neuer be knowne because they were not such when they were left of them. Finallic, it may be alleaged that it was the greatest mischiefe that could happen vnto these twaine, to be found, and brought vp by this bad man who is the cause of their perpetuall miserie.

The beggers Answer.

HE cannot be tearmed cruell, who hath ben more pittifull vnto these infants, then their owne father or mother that abandoned them: I confesse that I haue maimed them, but who can tell whether I haue done them more hurt or good thereby, for I haue made them such as all the world is and euer will be readie to relecue them : Moreouer, they take no paines in getting their living, and they are free from the danger of killing in the warres, or by thecues, in like sort they need not feare to be hanged by iustice, or noted of infamie. As for anie hurt don vnto the Commonwealth, who can tell whether they would haue been pilferers, murthe-

might the better beg with them. *Declam. 86.*

153

murtherers, theeves, traitors, seditious persons, seducers, Heritickes, and other such like wicked fellows, as by nature they were likelic to proue, being begotten of such parents, as cared not to leaue them to the mercie of brute beasts? So that it may be said that by one smal mischeife I haue preuented a number of manifest dangers: those that instruct youth to skirmish and kil men, are farre more hurtful vnto the Commonwealth then I, and yet are they not punished. I haue not onelie made them as vnable to do hurt, as they are vnfit to do good, but also I am the cause that they are yet liuing: the Commonwealth can not be harmed by those which are not abiding therein as these were, being laid foorth to die, from the which I haue saued them. Whereas you alleage that I am the cause that they liue miserable, you doe thereby affirme that it is by my meanes that they liue, which is no small matter: the charitie of manie doth relecue them, but by my onelie compassion they doe liue. If I had fostered them vp, and not maimed them, I should haue deserued commendation; the losse thereof then is sufficient punishment for my maiming them. Who would euer haue thought that such a Commonwealth should haue had officers so idle as to busie themselves with that which a begger dooth amongst beggers, who haue their iustice and Commonwealth by themselves? Why may you not likewise say that *Paris* being cast foorth of his Parents, and afterwards acknowledged by them, was the cause of his father & brethrens death, his mother and sisters captiuitie, the destruction of the noblest of all Greece and Phrigia, and lastlie the vtter subuersion of his countrie Troy, as well as you speake of *Cirus*, who in the end slue his grandfather, and *Romulus* his brother? What should not hee

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then

A controuersie betwixt two gentlemen for then haue deserued that had maimed those? Or who can iudge whether I haue done good or hurt in maiming these here? But the time is so wicked, that whatsoeuer the poor do is accounted an offence. How manie rich women doe cause the frute of their wombe to perish by the straight girding and lacing in of their bodies? How manie Noble men doe burst their lacquise legs with running, and lame their seruants with hunting? How manie men doe they vndoe, who doe either die with hunger, or els are forced to rob by the high way? How manie quarrels or braules doe they make to the hurt of the Commonwealth? If you wold indeuour to correct such kind of men, you should haue no leisure to persecute those who haue not offended, but in shew onelie: but it is not said in vaine, That the lawes are like vnto spiders webs, wherein the small flies are taken, but the great ones doe breake through and escape.

Declamation. 87.

Of a gentleman who required to haue those goods of his restored which his sonne had sold, in prouing by law that his father was dead.

A Gentleman of Piemont had a quarrell, or at the least fell into the hatred of a great lord of the same countrie: who did one day cause the said gentleman to be taken very secretly, and hiding his face, made him to be carried into the dungeon of his castle, where he remained a prisoner, in such sort as during the space of more then eight yeares, he could neuer imagine in what place he remained: the
said

said gentleman before he was prisoner, had likewise a quarrell with two of his neighbors, who were inferiours vnto him in calling, with whom also the said lord was greatly displeased: whereupon hee imagined how hee might at one instant cause them both to die, and by the same means quite himselfe from all suspicion that might be imagined of his wronging the gentleman. So that he began to enquire what was become of the said gentleman, and vpon suspicion of the enmitie of these two neighbours against him, he preuailed so much by false informations, that the Iustice apprehended their bodies, and either by examination or tortures they were enforced to confesse that they had murdered the said gentleman, vpon which their confession, the Iustice caused them to be publikely beheaded: so that euery one did assuredly beleene that the said gentleman was dead. Wherefore a sonne which he had, being a verie prodigall youth, began not onelie to seize vpon all his fathers lands and goods, but also did riotously wast the same, and in the end sold and consumed all; in such sort as shortly after he died in great poverty. It chanced about foureteene yeares after that the Frenchmen surprised the said great lord in his house, and for because the castle wherein he held this gentleman prisoner was a fort of great importance to be kept for a frontier place, they compelled the said lord to surrender the same vp vnto the King, or his Lieutenant Generall, the which he did: and the Frenchmen finding the said gentleman there, suffered him to depart, who like one risen from death to life, went home vnto his owne house, the which he found was sold, and the Iudge which had caused the others to be executed dead: but he pretending to know nothing of all that had happened, required restitution of his lands and goods, saying:

THere is no law that permitteth the sonne to sell his fathers goods during his life. You see that I am not dead,

dead, and that I am his father that hath sold you his goods: if you stand in doubt thereof, I wil for your further assurance shew you euident tokens, and will proue the same by sufficient witnesses: Your light beleefe or want of wit to be better aduised, ought not to be preiudiciall to me in anie sort. You are not the first that haue made a bad bargaine, and a good restitution: for most commonlie men being blinded with couetousnesse, do easilie beleue euerie thing to bee true which they desire. *Cesar* imputed this lightnesse vnto the Frenchmen, the which it may bee they haue brought hether vnto you, to make you partakers thereof, but yet for all that I will not lose mine inheritance; restore it vnto me then or els proue that I am not he whom you know me to be. O you righteous Iudges, I do esteeme you too iust to suffer me to fall from one miserie into another farre more great, hauing not derued it: for not onelie is age an incurable maladie, but pouertie ioined with it, may be tearmed an exceeding mischiese. From the which worthie Iudges I beseech you to preferue me,

The answer of the possessors.

WE doe allow the same law which you alleage to be iust & right, but we know not whether we should account you amongst the liuing or the dead: seeing that not onlie the people haue accounted you dead, but the law it selfe hath adiudged you both for a dead man, and also hath caused those to die who confessed that they killed you. What witness is more like to be true, then that which is aduouched by twaine, not onelie to their owne hurt against themselues, but to the detriment of their goods, their honour, and their liues? If the testi-
monie

monie which those miserable men haue produced against themselves, hath been sufficient to cause them to lose their goods, honour, yea and their liues; Why should not the same be of force to maintaine those in their possession which haue publicly bought an inheritance of him, who by the witnessse aforesaid had power to sell and surrender the same? If you haue anie interest therein, take it you of them who are the cause of your hurt; that is of the foresaid witnesses, of the Iudge, of the lord that tooke you prisoner, or of your selfe, who could take no order in your owne affaires, or seeing you would not agree, could not keepe you from your enemies: it was no couetousnesse that made vs to buy your heritage, but the zeale of the Commonwealth, who are interestted when the lands are vnchristilie wasted: likewise you iudge amisse of vs, if you think that the desire which we had of your death, induced vs to belecue the same: for it was more hurtfull then profitable vnto vs; because it was no small contentment vnto vs to haue so good a neighbour as wee haue alwaies esteemed you to be: and for that we would be no more in danger to haue so bad a one as your sonne was, or a worse, we did buy his inheritance, the which as our desire is that you should not lose the same, so also would not we lose our siluer, for the recompence of our care in preserving your goods, & amending your heritage; of all matters in strife, the possessor being on the surer side, hath the aduantage: We haue nothing to proue against you, but it is you that ought to prooue our bargain to be fraudulent or of no worth: and we belecue that the Iudges will remember that we are not the causers either of your pouertie or age. Furthermore, they are not ignorant that the chiefe point which ought to be

Of Horatius, who after he had vanquished
be obserued in the Commonwealth is, that euery one
should bee maintained in the quiet possession of that
which he hath iustlie gotten and paid for, as wee haue
done the inheritance which you doe wrongfullie re-
quire at our hands.

This former processe is true, and hath been reported
vnto me by the lord *John Chastillier*, Knight, one of the
Kings Counsell, and surueior of his Maiesties treasure,
who assured me that hee was in Piemount during the
foresaid processe. And moreover, the said lord told me
that after long arguing and much controuersies it was
iudged that the plaintife should inioy his inheritance
during his life, without impairing or alieating the same:
but after his deceasse it should whollie reuert vnto those
which did possesse and had bought the same of the said
plaintifes sonne.

Declamation. 88.


*Of Horatius, who after he had himselfe alone van-
quished the three Curiatij, slew his sister that be-
wailed the death of her husband.*



*About that time as Rome began to flourish, those of
Alba, an ancient cittie, and to say the truth, the
very same from whence the Romanes had their
beginning, had some grudge towards Rome,
through which there arose a mortal war between
them, the which after many skirmishes, and sundrie combates,
they agreed to end in this sort, v. z. That the three brethren of
the Albanois named the Curiatij, should fight hand to hand
against other three brethren of the Romanes called the Hora-
tij, vpon condition that those which were overcome, their cittie
and*

and Commonwealth should for euer bee subject vnto the other, without contradiction or refusall: whereupon the said combatants being entred the lists, the elder and the second brethren of the Horatij were suddainlie slaine, the which the yoongest perceiving, he fained to run about the field as though he had beene overcome: wherfore the others were ashamed to pursue him altogether, so that one alone following him eagerly, Horatius suddainly turned backe and slew him, and in the same sort he slew the second that was somewhat too slow in seconding his brother: then making head against the last, who had married the sister of the said Horatij, he likewise slue him, not without receiuing also manie wounds himselfe, whercof when he was healed, hee came in triumph to Rome, al the people and the noblest matrons of the citie meeting him by the way, amongst whom by the commandement of her father his sister also went, who had lost her said husband in the combat; she seeing her brother triumph ouer the death of her husband, & her brethren in law, lost all patience, and setting apart al respect, in stead of welcomming him home, she said vnto him: Thou cruel monster how haddest thou the heart to slay my husband? and saying so, she burst forth into abundance of tears, wherwith he being enraged, answered: art thou she alone amongst so many honorable ladies that art sorrie for the prosperitie and libertie of Rome, or that repineest at my victory, and saying so, he gaue her a blow with his sword on the breast, afterwards suddainly repenting himselfe for the deed, hee alighted from his triumphant chaire, indeuouring (if it had ben possible) to haue gotten life in her again, but he could not, for she suddainly died, being great with child. For which deed those that maligned the glory of Horatius, tooke occasion to accuse him so sharply, as he was cōdemned either to bear the yoke of an ox upon his neck through Rome, in signe of bondage, or to bee whipped with rods, and hanged vpon a crosse vntill hee were dead, but he appealed from this sentence, and his father pleaded for him in this sort:

Whether

 Hether are your hearts and vnderstandings car-
 ried, O you Romanes, that you will thus perse-
 cute your redeemer? Doe you not know that
 aboue all other vices, Ingratitude is most dis-
 pleasing vnto the gods? How can you then prosper?
 Surelie it is impossible: Will you oppresse him, that
 could not bee dismaied with the death of his two bre-
 thren, much lesse discouraged with the presence of his
 three enemies? Will you despise him whom the gods
 haue caused to be borne for the libertie and honour of
 Rome? Know you not that in all this, none hath been
 harmed but I? Is it not sufficient that I haue lost two
 sonnes and a daughter, but that I must also lose this son
 too, who onlie is left to be the staffe of my age, and
 comfort to my forepassed afflictions? why would you
 make him a bondman that hath been the cause of your
 freedome? Doe you not feare that this is an vnluckie
 token, which threateneth all your thraldomes? Alasse,
 Romans banish this unhappie presaging from vs, and
 either honour him with a perfect triumph, or at the
 least despise him not, whom the gods haue ben willing
 to honour with such a famous victorie. The zeale of the
 Commonwealth induced him suddainlie to kill his si-
 ster, who to say the truth, did speake verie indiscreetlie;
 let then the grieffe which hee suffereth for committing
 such a fact be a sufficient punishment for his fault: doe
 you not know, O Romans, that we haue no power ouer
 the suddaine motions of our rage? If there bee anie
 fault, I am the cause thereof? For as much as I constrain-
 ed my daughter to goe forth to meet him, without
 considering that women are not onelie fildome times
 mistresses ouer their tongues, but also that loue and for-

row can neuer be dissembled. If you will not then suffer this mischance to be vnpunished, let the punishment light vpon me: To the end that the gods be not prouoked to reuenge vpon you the wrong which you would doe vnto him, by whose meanes they haue deliuered you: For there is nothing more certaine then that the gods haue a particular care ouer those whō they make conquerors, and doe so miraculousslie preserue in the like dangers. Contemne not him whom the gods haue honoured, neither yet let him die, that hath killed your enemies, and made your lords ouer them; which if he had not ben, would haue ben lords our you all.

The Answere of the Romans.

WE doe not persecute our redeemer, but wee would execute iustice vpon one, who being drunken with vaine glory, hath vniustlie murdered his sister, that might haue borne manie children like vnto him, whereof he hath slaine one with the mother, the better to declare that as hee had deliuered vs frō some bordering contagion, so likewise he meant to tyrannise ouer his cuntry. But what will not hee bee bold to attempt against the rest of the Cittizens, if the murder of his sister should bee left vnpunished? Did not he know that euen amongst enemies clemencie is iudged to bee the worthiest part of the victorie? How much then ought the same to bee esteemed amongst friends, but more betweene kindred, and most of all towards women, who are by nature weake, and subiect to their passions more then men? Where did he find that it is a vice for a woman either to loue her husband, or not to be able to dissemble a sorrow so iust? Seeing that he

Of Horatius, who after he had vanquished

he himself could not, or at the least would not indure a few vnaduised words of his sister; ought not he to consider that the womā is the moietie of the man? and that the one cānot be hurt, but that the other must feele the harm? It is true as you say, that ingratitude is odious vnto the gods, & therefore that which he hath vsed towards his cōtrie, you, and his sister, condemneth him. Wee can neuer prosper if we suffer such a cursed man in our Commonwealth. Seeing that he was so cruell as to kill his sister, it maketh vs also to think that he willinglie suffered his brethren to bee slaine, either to augment his fame, or because he would be the onelie heire of his father: for hee which had the wit in such sort to flie from his enemies to snare thē one after another (which is an incredible patience) should not haue been so furious against his sister, if ambition had not blinded him. Alasse, wee are in doubt whether Rome hath gained more by his victorie, then it hath lost by his murther, as wel in honor as in profit; for it is no smal hurt to scandalize a Commonwealth by an euill example: Your losse dooth not deminish the wrong done in common to vs al, neither is it against reason, that hauing lost those whō you might rightlie call your children, you should likewise lose him that hath not respected you as his father, and hath not shewed the heart of a brother towards his sister: but what stay shall you haue of the murtherer of your daughter? Those on whom the gods doe bestow the most graces, ought to be more modest, and the lesse prone to abuse their fauour; the mischiefe which hee hath done is a greater forwarning vnto vs, then the correction is which we shal vse therefore, for by the punishment of offenders, the innocents are assured, and we do thereby diuine that we shall hereafter haue dominion
ouer

ouer all the world; for Iustice is pleasing vnto the gods, and reward and punishment are the true pillers of the Commonwealth: wherefore it is not likelie to be true, that the zeale of the Commonwealth can induce anie to doe ill, or to enterprise anie thing to the detriment thereof. Surely, if we haue no power ouer our first motions, his sister was excusable for saying that which she did, and the rather if that (as you say) she was constrained to goe to meet him, that came from killing the moietie of her selfe: If you are culpable in that you sent her, wee hauing regard vnto your good meaning, doe respect your age and remit your punishment, neither will we suffer you to indure anie for your sonnes offence, because that as it is a crueltie to punish the innocent, so is it a follie to pardon the offence. The same care as the gods haue ouer the conquerors, the same care ought the conquerors to haue, not to shew themselves vnworthie of their diuine fauors; for vnto whom much is giue, of him also shal much be required. What shall we then say, if he whom the gods haue honoured, doe dispise himselfe? For he which by the fauour of the gods hath slaine our enemies, ought not afterwards to haue slaine his own sister. If the gods haue by the force of his armes giuen vs the dominion ouer those who would haue ruled ouer vs, the worthiest thanks that we can yeeld vnto their Dietie is, to shew by our good iustice that we are not vnworthie to rule. Wherefore you cannot doe better then to counsell your sonne willingly to chuse the yoke, or patientlie to take his death; for making a vertue of necessitie, hee shall diminish the dishonor of his offence, and the dutie of the Commonwealth shall be obserued.

Of Diogenes that would not restore a cloke

Declamation. 89.

Of Diogenes that would not restore a cloke which one had lent vnto him.

HE law commandeth a man to restore whatsoeuer he hath borrowed, but those things which are giuen ought not to be required againe. Whereupon it happened that a man named Aristarchus did lend a cloke vnto Diogenes the Cinique. Within a while after the said Aristarchus praied him to restore his cloke, but Diogenes could not heare on that eare, wherfore Aristarchus threatened him by law, wherevnto Diogenes answered:

I Know no other law then the law of nature, which commandeth me not to part from that which I stand in need of. If thou then hast giuen me this cloke, why wouldest thou haue it againe? Or if thou diddest lend it vnto me to couer me withall, wherfore wouldest thou take it from mee when I haue greatest need thereof? If thou saiest thou diddest lend it me vntill I had another, I am content to restore it vnto thee at that time? Look then if thou canst find anie man that will giue or lend me a better, and I will restore thee this againe.

The answer of Aristarchus.

AS I did willinglie lend my cloke vnto thee, so may I take it from thee when I thinke good: and as the law of nature commandeth me to haue compassion of my neighbour, and to helpe him, as I haue holpen thee
so

which one had lent vnto him. *Declam. 89.*

365

as much as possiblie I could in lending thee this cloke, euen so now it commandeth mee to take it againe because I stand in need thereof: for hee that is bad or vnprofitable for himselfe, can neuer bee good for others. The law of nature commandeth thee not to bee vnthankfull towards him that hath done thee a pleasure, much lesse to detain by force, that which one hath lent vnto thee friendly.

Declamation. 90.

Of the three Fabij, who being sent Embassadors vnto the Gaules, did fight against them.



During the thirteenth militarie Tribuneship, the Gaules came and assailed the cittie of Clusa, who sent for aid vnto the Romanes. They sent the three sonnes of Fabius Ambusta, to persuaade the Gaules not to hurt the Clusians being friends vnto the Romans Commonwealth: the Gaules answered that they required nothing but dwelling places, and if the Clusians denied them some portion of their countrie, they would fight with them in the presence of the Embassadors, to the end that they might be iudges of their valor. And hereupon after diuers other words the battaile ioined: where the three Embassadors tooke part with the Clusians against the Gaules, of whom one Embassador slew a captaine, which was the cause that suddenly the Gaules gaue over the battaile, turning all their malice against Rome, whether they sent Embassadors, requiring that the three Fabij might be deliuered vnto them. The iudgement was remitted vnto the Romane people, who in steed of chastising them, made them militarie Tribunes, giving them

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Of the three Fabij, who being sent Embassadors
*the full power of Consuls : whereupon the Gauls did protest the
 ruine of Rome, saying :*

IT might haue sufficed you O Romanes, to haue sent
 your Embassadors to dissuade vs from the warres en-
 terprised against the Clasiens, without employing the
 said Embassadors against vs, for you shall confesse one
 of these three, that either you are our friends, or neau-
 ters, or els our enemies : if friends, you ought to aid vs,
 if neauters, not to hurt vs, and if enemies, to defie vs, be-
 fore you fight against vs. If you esteeme vs to bee Bar-
 barians, in that we are strangers, and because we are not
 like you in eloquence ? Yet are we not to bee iudged al-
 together void of reason, or such as haue not the wit to
 discerne what is right and what is wrong . Moreouer,
 wee know verie well that those which are sent to per-
 suade peace, ought not to kindle or increase warre. You
 sent Embassadors to persuaide vs vnto peace , who on
 the other side not only encouraged our enemies against
 vs, but they themselues fought with all violence: What
 Treason can be more great, then to saine one deed and
 doe another ? If you did send them to fight against vs
 (as it is to bee presumed , hauing sent three brethren,
 yoong men and valiant in arms) you cannot denie but
 that you deserue all the mischiefe that we are able to do
 vnto you ? If they did fight against your meaning , af-
 fure vs thereof by sending them vnto vs ; That we may
 know who moued the (forgetting the dutie of Embas-
 sadors) to vse hostilitie against vs, for in doing other-
 wise, you shall not onlie prouoke our anger, but the iust
 vengeance of the gods against you, of whom wee shall
 bee the cruell ministers. And think not that for want of
 power, or courage we haue left Tuscaene to come vnto
 Rome,

Rome, but onelie to let you know that it is not for the Romans to command the Gaules, much lesse to offend them in anie sort; but rather to fauor them in their de-seignes, that they might haue good neighborhood and friendship with such a warlike people: or in doing the contrarie, to trie what aduantage they haue in warlike Prowesse ouer euerie other nation: Wherefore O you Romanes either resolute to deliuer vnto vs the three *Fabij*, or prepare you to the fight, and although your forces are as feeble as your courages are faint (if such Treason be harbored amongst you) yet faine your selues to be other then you are, to the end that our victorie may not be altogether without glorie; for we protest, that if our demand bee not accomplished, wee will overrun your cittie, race downe your houses, lay your temples and wals flat with the earth, in such sort that after ages shall aske where Rome stood, when as they shall see no memoriall thereof left: for it is the iust iudgement of the gods, that vtter ruine should fall vpon those, who doe offend vnder the coulour of friendship.

The Answer.

TRue it is that wee did send the three *Fabij* for Embassadors vnto you Gaules, and that they ought not to haue fought against you, if for such you had receiued them: but what shall we say, seeing that in steed of answering their demands, you would on the contrarie haue made them beholders of your iniustice and crueltie? For you said that the Clusians should haue no peace with you vnlesse they would leaue part of their countrie for your habitation: then the Embassadors demanding for what reason, and vpon what occasion you

Of the three Fabii, who being sent Embassadors did require lands in Tulcane? You answered that your reason consisted in armes, and that to strong and warlike men all things were due, yea, and that you would forthwith haue an answer of the Clusians in the presence of the Romane Embassadors; to the intent that they might make report at Rome how valiant in armes the Gaules were aboue anie other nation. Wee would know of you Gaules if one should haue answered your Embassadors in such sort, what you would haue done? Seeing that euen those which are most warlike, should haue tried euerie other reasonable meanes, before they had proceeded into armes: and yet you despising those that were the freest and mightiest people of all Italie, would command their friends and their Embassadors, and contemning both the one and the other, giue a battaile in steed of an answer. Surelie they were not sent to fight against you, but seeing that for answer, you offered the battaile vnto their friends & neighbors, without yeelding them anie sufficient reason why, they remembering that they were Romans, would rather proue then behold your valour; and if you had slaine them in the fight, wee would neuer haue cauelled anie further for them: for you hauing neither receiued them as Embassadors, nor giue them no answer but by arms, it may be said that they were no more Embassadors; wherefore wee would neuer haue required them either for such nor for anie others at your hands, for we know that it is a cōmon thing to kill, and to be killed: but although they had done amisse, as you say they haue, yet should you haue first knowne our meaning, and haue required satisfaction thereof, before you should haue brought your armed troupes vpon our territories: but you doe verie well declare (you Gaules) that you will neither
send

send anie Embassadors, nor will receiue anie at all: but
trusting in your forces, you will make your wils a law,
how vniust soeuer they be. As touching your demand,
whether we be your friends, neuters, or enemies, wee
answere that we will be such as you shall giue vs occasi-
on to be, for it seemeth they can hardlie be your friends
that are neere vnto you: wherefore although we should
not allow that which the *Fabij* haue done, yet may it
bee a question whether they haue done amisse or no in
resisting the common enemies of all Italie, seeing that
an hundred yeares since, your ancestors leauing their
naturall countrie, came first and occupied the countrie
of the Taurins, afterwards that of the Insubrians, then
the limits of Tuscan; and now without anie reason
you would vsurpe the territories of the Clusians, the
which if they had granted you, what assurance should
they haue had that afterwards you would haue beene
good friends, or peareable neighbours vnto them; see-
ing that you are of opinion being strong men, all things
are due vnto you; and that you can yeeld no other
reason for your deeds then armes? What is he that can
bee assured of such kind of people, which maketh vs
to doubt, that in time, you would if you could occupie
Rome and all Italie? If you will be our friends, see that
you doe not onlie withdraw your army from vs, but al-
so for our sakes surceasse your molesting of the Clusi-
ans, and then knowing that our Embassadors haue of-
fended you, we shal make you a reasonable satisfaction;
assuring you that wee are sufficient to punish or chastise
them withot putting you vnto the paines to doe it: and
if you shew your selues (as in effect you haue begun) to
be our enemies, the *Fabij* cannot bee culpable, and it
were better to employ them against you, then to doe
them

Of a yong youth that made himselfe a Nunne

them anie hurt at your instance. But what madnesse dooth incite you to come in such sort against vs? You know well that if we had ben minded to send aid vnto the Clusians, we would not haue sent three men onlie. Wherefore we thinking you had ben our friends, did send to intreat you not to hurt the Clusians, but doing contrarie to our request, the Embassadors thought you had ben our enemies, and so consequentlie that they were bound to aid the Clusians. When you haue withdrawne your armie from vs, wee will dispute whether they did well or ill. But so long as you talke thus armed, wee may say that you haue no desire to haue vs your friends. Of a truth they fought against our meaning, yet neuer imagine you that for al the same, we will deliuer them vnto those which come vnto vs as enemies. As for the anger of the gods, it stretcheth not to those that defend their temples as we will doe, moreouer, we are bound to defend our countrie, our wiues, our children, & the sepulchers of our fathers, if you wil offer to hurt them; therefore as you doe protest our ouerthrow, so doe we sweare your death, if you once assault vs. For to be offended, and to offend, is all one, and it is a most iust reason, that those which seeke to vsurpe another mans lands, should lose their owne liues!

Declamation. 91.

Of a yong youth, that made himselfe a Nunne to enioy one that he loued.



At such time as the law was not so strict against those which by all the meanes they could sought to inioy the lone of Nunnēs, a yong youth came in the habite of a maiden

maiden into a Nunnerie, and made himselfe a Nunne, to obtaine his pleasure of one whom he loued in the same cloister: after he had obtained his desire, and remained there some time in great delight, he was at last discovered; whereupon the bishop would haue constrained him to become a religious man of the same order, which he had made profession of in the habite of a woman, the youth appealed from the same sentence, saying:

E Verie lawfull vow ought to be voluntarie, wherefore you cannot constrain me to enter into religion against my will. You say that I haue made a vow already, I referre it to your iudgement, whether being a man, I might become a Nunne? If such a vow be lawfull, then let me bee still a Nunne: If it bee not lawfull, then is it of no force, and so consequentlie I am thereof freed, or at the most, to bee punished in such sort as by the law it shal be appointed, if there be any law that maketh mention of the like fault: and if there bee no law that maketh mention thereof, it is a token that whatsoever I haue done is no crime, for there is some law appointed for euerie fault: for as lawes are made for the good of the Commonwealth, euē so those that offend them not are not punishable: as for me, I beleeeue that I haue in no sort offended them, hauing charitable relieved her that had need of my helpe, considering the frailnesse of my flesh, which might haue induced her to doe worse then a thing incident to nature; yea, and to the great reproch of religion, shee might haue found the meanes to flie away from the Nunnerie contrarie to her vow and promise: likewise, it is to bee considered, that those faults (if faults they may be called which are through loue committed) are more excusable then punishable, because they are done but for loue, and to

Of a yong youth, that made himfelfe a Nunne

encreate humane generation, besides that the most philosophers doe say, that louers are fooles, and others affirmed that they are blind: what reason were it then to punish a foole, or such a one whose vnderstanding is blind? Who knoweth not that they are more worthie of pittie then punishment? Nay who knowes not that loue hath alwaies his abiding in the noblest hearts, and compelleth the most obstinat to follow him? Furthermore, the distance of places is not able to seperate that true loue which of long time hath ben imprinted in the hearts of louers, for as he that doth loue feruentlie doth sildome or neuer forget it, so ought youth to bee excused for doing but their kind: for that which in matters of loue is lawfull for yoong men to doe, is vnlawfull for old men to desire; Wherefore it may be laid, that as unhappie is it for a yoong man to be without loue, as it is for an old man to be in loue: and the more worthie the thing beloued is, the more vehement is our desire thereof; therefore the desert of her whō I loue, hath brought me to this extremitie: to counterfait a sex inferior vnto mine, the which I would for no other thing haue done, but hereby it appeareth, that the louer liueth in the thing beloued, and that he is dead in himfelfe; so that I was constrained to find out this inuention, to approach vnto her in whom I liue: for water farre of, doth neuer quench fire hard at hand: the planets doe chieflie compell vs to loue, therefore doth *Venus* shew her selfe to be more strong then *Mars*: and that which is more, no other law then that of nature can be given vnto louers: for it seemeth that loue is a diuine and humane essence all in one subiect, wherby it happeneth, that true louers are most apt to sustaine great trauailes, for loue is no other thing the a contemplation of the thing beloued,

but

but the louer is such as the thing beloued is, therefore was I inforced to become such as my mistris was. Lastlie, being constrained by all these abovesaid reasons, I am more then excusable, for of all the parts in a mans bodie, the heart is the noblest, and the noblest part of the heart is loue: therefore it may be verie well affirmed, that he which knoweth not how to loue well, hath a bad heart. To conclude, it must be considered for what intent vowes are made, as for mee I made mine to the intent that I might bee neere vnto my best beloued, in seeking to depriue me of this intention my vow should be broken, and if it be so, I will make no other: but you cannot say that it is all one vow, seeing that there is great difference betweene the obeying of a man, & the seruing of a woman, & religious men ought to be learned, and to haue such other perfections whereof I am not capable; whereas amongst religious women obedience onlie with humility is sufficient, for which cause I will not make anie other vow then that which I haue made: but as I said at the first, I submit my selfe to bee iudged according to the law, beseeching that the glose thereof may bee as farre from crueltie, as it is fittest for men to vse clemencie.

The Bishops answere:

IF I had not assuredlie thought that thou wouldest haue refused my proffer, to make thy selfe a religious man, I would neuer haue offered the same vnto thee, being as thou art vnworthie of so great a fauour: but I intended by this meanes to manifest by your owne tongue your wicked intention, to the end that you might bee worthilie punished therefore, and neuer say that

Of a yong youth, that made himselfe a Nunne that if no law mention of the like fault as yours is, that therefore you should remaine unpunished, for it may be there was neuer such a cursed deed heard of before, or the lawmakers thinking that such a fact could neuer bee committed made no mention thereof: as *Licurgus* made no law against such as murdered their Parents, imagining that none could bee so wicked as to commit such a crime, therefore would he not mention such a detestable deed: but doe you thinke that for all that the Lacedemonions would haue left to punish those grieuouſlie which should haue committed the same, & that they would not haue inflicted a punishment as rigorous as the fact was rare? No doubt they would: for when offences are execrable, the punishments must bee the more extreame, to stop altogether the passage vnto such vices; and especiallie in such a case where the accusation is not publicke, it were most expedient that the punishment should be secret, but the more seuerer, that the same being knowne of few men, the crime might bee lesse manifest, and the terror of the punishment more great. For so during the Consulship of *Terentius Varo*, *Lucius Cantilius* Chancelor to the Bishops hauing committed adulterie with *Florania* a Vestall Nunne, was (in the place called *Comicia*, the gates being locked vp) so beaten with rods by the bishop, that hee died with the blowes; which ought to serue as well for an example as a law vnto this fellow, whose fault is more foule. What punishment then shall be sufficient for your adulterie? Whereof you seeme chieflie to boast and to approoue the same by your reasons no lesse friuolous then detestable, by the which it should seeme (by your saying) that incests and adulteries ought not to bee blamed, prouided that thereby the generation of mankind bee encrea-

encreased : alasſe, how more happie were it that neither you nor ſhe had euer been borne, then that you ſhould be the occaſion of ſuch a ſcandale , ſeeing that it were better that he which ſcandalizeth the leaſt of the Chriſtians were throwne into the ſea with a millſtone about his necke ; What doe you call loue ? A vild carnal concupiſcence, As much, or more common vnto brute beaſts, then vnto reaſonable men, who cannot vſe it lawfullie, but onelie in marriage, to the end to bring forth children : Wherefore Saint *Paule* doth verie well ſay, That Whoredome is ſurely one of the greateſt ſins and moſt hurtfull vnto man, ſeeing that euerie other ſin is without him, and whoredome conſumeth both his bodie and his ſoule, making him the one halfe of an harlot, when he is created for no other cauſe but to bee the Temple and dwelling place of God. Why doe you not ſay then in ſteed of your leaſings, that an harlot is a hell, wherein God ſuffereth thoſe which forget him to bee drowned, and that filthineſſe is the reward for the infidelitie of men : O wicked wretch, how dareſt thou then looke vp into heauen, or behold the earth, the one being the ſeat, the other the footſtoole of God : Whom becauſe thou doeſt forget, thou art vnworthie of his fauour . If whoredome committed with profane women be deteſtable, what ſhall wee ſay of adulterie with ſuch as are religious, who are conſecrated to God ? Seeing that the Romanes, when as yet they were ignorant of the truth, did burie their Veſtall Nunnes quick, that ſuffered themſelues to be defiled ? You ſay wel, That louers are blind of vnderſtanding ; ſee then the cauſe why thoſe are to be puniſhed which ſuffer themſelues to fall into ſuch blindneſſe, that proceedeth of nothing but idleneſſe & gluttonie which prouoketh luxuritie : therefore

Of Don Ferrand who punished a mutinie,

fore ought you to haue shunned these two vices, but you might haue escaped the third, the which as you haue sought it, so are you fallen into it. Surelie, all men are tempted, and the greatest temptation, is not to be tempted at all, because then we forget to be men, but vertue appeareth in the resisting against temptation, which you hauing neglected, you haue not only tempted, but defiled the spouse of Christ: What fire or torment may expiate so vild and abominable wickednes? And surelie you haue refused (as one that is vnworthy) to doe pennance in religion, hauing first defiled the same, making the holie vow thereof to serue for a cloke vnto your filthinesse. Let then the bull of *Perillas* be put in vse againe, and as he made the first experience thereof, so be you the first that must bee punished more rigorously then euer anie heretofore hath been, seeing that your adulterie (the like whereof was neuer heard) is the cause that a new law must bee made to terrifie such as would follow you. Lastlie, (immitating the example of God, which would not the death of a sinner) I haue called you to repentance, not without great suspition of your refusall; in doing whereof, I take you at your word, and require the temporall sword to punish you, for counterfaiting your sex, for abusing the vow of religion, for your vild whoredome, for refusing to doe pennance, and for your diuelish obstinacie. Consider worthie Iudges how manie torments such a number of hainous crimes deserue.

Declamation. 62.

Of Don Ferrand, who punished the mutined Spaniards, and afterwards is therefore accused.

IN the time of the Emperour Charles the fifth, the Spanish souldiours that were in Scicilia, rose in a mutenie, and committed a thousand mischieses, whereof the least deserued the halter: whereupon Don Ferrand of Gonsague, brother to the Duke of Mantua, (who had alwaies ben employed by the Emperour, in chiefeest places of command) appeased them, paying them part of that which was due vnto them: afterwards he caused them to be embarked to carie them (as he said) to Genoa, they being all embarked, he carried them vnto certaine desert Isles, where he made them to goe a shoare, faining that he would there take the muster of them, and make an end of paying them: but when they were all in order a good whyle in the Island; hee found the meanes to cause those to retire vnto the Gallies, whom he meant to saue, and afterwards he set saile, and departed, leauing the rest of the souldiours there, who for the most part died all with hunger: for which fact Don Ferrand was accused vnto the counsell of Spain as followeth:

IF discretion might be giuen as well as dignities are granted, we should not now need to demand his death, who hath depriued the liues of a number that were seruitors to Cesar as well as he, and no lesse seruiceable: the which he would neuer haue done, if he had considered that neither he nor anie other could haue that honor to be Generall of an armie if the souldiours did not freelic determine to serue their Prince, and follow the warres, especiallie, if they would altogether with one mind refuse so to doe: but hence cometh the mischiese, that those which haue not first learned to be controlled, do neuer know rightly.

Of Don Ferrand, who punished a mutinie,

lie how to commaund? Wherefore *Hannon* said well when *Hasdruball* commanded in Carthage, and *Hanniball* was to be sent into Spaine, being verie yoong; It were better (said he) that this yonker tarried here in the cittie to learne how to obey lawes, then to teach him so suddainlie to command in a forraine land. Likewise, we are to consider what was the end of *Pompey*, who following the faction of *Silla*, was sooner made a captain then a souldior: euen so those of our time which are noblie borne doe command, before they are able to discerne peace from warres, the friend from the foe, good from bad, and reputation from reproch; wherevpon it chanceth, that as *Hanniball* was the cause of the ouerthrow of Carthage, and *Pompey* the decay of the Commonwealth of Rome, so these captaines made in hast presuming ouermuch of their own courage, might impaire the prosperitie of *Cesar*, if his fortune together with his vertue were not inuincible. But yet there is another mischiese, which is, that Italie (which may bee tearmed the churchyard of Spanish souldiors) bringeth foorth few men which are well affected to the Spanish nation: who to say the truth, being worthie men, are also somewhat haultie minded, the which the Italians doe attribute vnto their pride, which is the chiefeest cause why they doe for the most part hate them: wee will not be inquisitiue whether heretofore *Don Ferrand* hath been the cause of the death of a number of other Spaniards, but we may well say that he hath made those (whom hee left in the desert Island) to die the cruellest death that might be imagined, without anie iudgement, Counsell, or consent of *Cesar*, as if men were nursed and brought vp for nothing. Surely, it should seeme that he did not see what paines was taken in Spaine to
assemble

assemble such a number of souldiours together, what stir there was to imbarke them, how hardlie they crossed the seas, and what time was spent in disciplining them for the warres, all which things was not done without great charge and expence vnto the Emperour, and the daunger of their owne persons; and they were no sooner deliuered ouer to *Don Ferrand*, thorowlie furnished and readie for the warres (as if they had sprung forth of the earth in one night, like vnto Mushromes) but that he did presentlie thrust them not onlie into all the greatest dangers that might be, when as manie times there was no great occasion: but also because he would be reuenged for the faults of some few of them, he hath done them all vnto the cruellest death that he could inuent. But wee would demaund of him how it could be possible that they should be all culpable, and whether they were all authors of sedition? For that is not onelie hard, but impossible: had it not beene better then for him to haue punished the authors, that therby the consenters might haue beene terrified or chastised, and the good cherished and maintained? Or if he would needs haue had them to die, could hee not haue sent them forth vpon the foe? Where reuenging their death, they might at the least haue weakened his forces. We read indeed how the Romans tithed their mutined souldiours, and vsed other like punishments, but it was neuer seen or heard that they put them all to death; and especiallie in Spaine vnder the conduct of *Scipio*, where there was not onelie a mutenie, but also *Umbrinus Atrius*, and *Calemus Albius* tooke vpon them the authoritie of Consuls by the agreement and at the instance of the souldiours, yet were none punished but the authors of the deed, and the rest were paid, employed, and allowed

Of Don Ferrand, who punished a mutinie,

allowed for good souldiours, not because the Romans had not as good meanes to send other souldiours from Rome into Spaine (and better then wee have now to send out of Spaine into Italie) but this was the reason: the Generall was a Romane, and he not hating the nation, was onlie contented to punish a few of the offenders, & by the seueritie of that exemplarie punishment, to terrifie and feare the rest: for it is verie certaine, that those which are threatened doe liue better then those which are punished, for the punishment being done, the feare is past, and oftentimes it engendereth such a malice, as maketh them to commit farre greater faults then the first, as (it may be) the effect shall bee seene by those which by some meanes may chance to escape from those Islands: doe but imagine if there had but a few ben punished, what dutifull men those which had ben pardoned would haue prooued, to shew that they were worthie of pardon, and to cause their passed offence to be forgotten? But yet if all this could not haue moued him to spare them, yet should hee haue done it because it is so difficult a matter to draw verie often manie men foorth of Spaine, where there is no great store, as also for the great treasure that is needfull to leuie and conduct them, which is alwaies a great charge both vnto the countrie and the people: but what care haue the Italians thereof, being borne farre from Spain, and naturall enemies to our nation because they are more valiant then any other? for which cause as I haue said alreadye the Italians call them prowde, as if a great fire could be without some smoake. And consequently it may appeare that although some Italians doe serue *Cæsar*, yet are they neuerthelesse mortall enemies to the Spaniards: for they being indeede as prowde as they are
cruell,

cruell, cannot abide this worthie and valiant nation: for
prooffe whereof, what crueltie (ioined with pride) was
there euer more great then this of *Don Ferrand*, who
hath not at the least spared those, who would haue be-
stowed their liues for the safetie & defence of his? But
he hath likewise caused the innocent to perish together
with the offender; he doth plainlie shew that he (accor-
ding to the example of *Nero*) would desire that al Spain
had but one head, that he might cut it off at one blow:
therefore must wee for an example preuent by punish-
ment, such minds no lesse dangerous then diuelish, to
the end that other strangers being captains in the wars,
may hereafter consider, that oftentimes such a number
of men may either keepe or win a Prouince, but the
dead can fight no more; and manie times for want of
men there may sundrie good occasions bee lost, to the
preiudice of *Cesars* greatnesse, and to the hinderance
of all Christendome. I passe ouer the causes that cap-
taines doe most commonlie giue vnto their souldiours
to mutenie, one whiles because they are not paied as
well as they, and otherwhiles when they detaine the
best part of their contributions and other booties that
ought to bee giuen vnto them; remembring not that
the souldiours doe with the price of their blood often-
times buy those victories, whereof the Generals reape
the honour and profite; neither will acknowledge
how by their malice, ambition, and avarice, the victory
is oftentimes foreflowed, or viterly lost, most common-
ly to the detriment of the profit, honor, and life of the
poore souldiours: and therefore to conclude, I say that
they are right captaines who doe attaine therevnto by
degrees, and by their valor, and those will beware how
they commitanie such cruelties like vnto this which

Of Don Ferrand who punished a mutinie,

Don Ferrand hath committed, for the which we require that iustice may be executed.

The Answer.

THose places which are of dignitie and authoritie, ought not to be bestowed but vpon such as are knowne to be of discretion sufficient to deserue them. As for me, I dare aduouch that this is not the first time that I haue commanded in *Cæsars* seruice, and that only by his own commandement, who hath many times praised, & alwaies allowed whatsoever I haue done; so that to iudge me indiscreet were as much to taxe his Maiestie as me; and he that would tax the actions of the Emperor, should proue himselfe a verie Idiot; for his manifold victories and other noble acts (being indeed worthie of his Maiestie) will bee a witnesse against these no lesse seuerer then ignorant Censors. And as it is verie evident that the iudgement of *Cæsar* dooth neuer deceiue his Maiestie, so is it also verie certaine, that his Maiestie would neuer haue employed me so manie times, if he had not esteemed mee discreet. And thus much further I dare affirme, that if those which are so desirous to be my Iudges, were chosen or placed in their authoritie by the doome of *Cæsar*, I should thinke my selfe happie to bee iudged by them, although I am not bounden to render vnto them anie account of my military actions, and especiallie because the deed which I haue done was allowed by *Cæsar*, who onlie might haue punished me if the fact had been vnjust: but his Maiestie doth verie well know that sometimes it is lawfull to doe a little harme, to shun thereby a greater hurt: and I will further say, that if long before this

this time such souldiors as did mutenie had been punished very seuerely, I should not now haue ben inforced to execute this punishment, more notable then any that heretofore hath beene performed. And although I am not bound to iustifie my selfe for that deed, before the Counsell of Spaine, yet will I not let to shew that I am not so faultie, as they doe thinke me to be, for if I were, *Cesar* is so iust as I should not be free from punishment: for first of all the lords of the Counsell ought to consider, what they be that accuse me, whether they be not some of the parties, and their parents, or friends, who doe as well shew their ignorance as their impudencie, when they affirme that they were as good seruitors to *Cesar* as I, and that the Generall could not bee without souldiours, as if they themselues being amutined, were not compelled to make a Generall amongst them. I know verie well that a number would willingly command, yet there are but a few which know how to doe it, neither can anie performe that place, but such as haue first learned how to obey. Whereof I may vaunt, if *Cesar* should haue appointed the meanest of those whom I haue punished to be my General, I would haue had such respect & ben so dutifull vnto him as I ought, belceuing that *Cesar* would neuer haue authorised him without desert: neither was I euer so presumptuous as to trust more vnto my birth thē vnto true vertue, knowing well that *Cesar* fauoureth none but the vertuous. Likewise, I learned both how to obey, and also what was militarie discipline before that euer I commanded, and neuer doubt that the noble are more seuerer in commanding, then are the comminalltie, for none is more proud then hee which of a base groome becometh a gentleman. God grant the Counsell be not full

of such men, and that they bee not such as are more vicious then curious of the reputation of their houses. I will not argue whether *Hanniball* or *Pompey* did well, but I may truly say that *Marius*, as one ignoble, made the way for *Pompey* and *Cesar* to overthrow (as you say) the Romane Commonwealth: for hee and *Silla* were examples vnto the two aboue rehearsed. It is well knowne that *Marius* and *Silla* did by little and little attaine vnto places of dignitie, being but meanly borne, yet ceased they not to be exceeding prowd, hurtfull, & odious vnto their countie. And a little before them *Terentius Varo* who being the sonne of a butcher, did by degrees attaine vnto the place of Consull, had not he I pray you ben likely by his rashnesse to haue caused the overthrow of Rome, if *Hanniball* after the discomfiture at Cannas had pursued the victorie? Neither was it *Hanniball* that caused the ruine of Carthage, but rather the Senators, being no lesse seuerer then ambitious and cruell, who did crucifie their Generals if the wars prospered not according to their minds; which was the cause that after the battaile against *Scipio* was lost, *Hannibal* could not abide in safetie in the cittie, the which (it may bee) hee had conserued, if the Senators had bene like vnto those of Rome, who were alwaies mild, whose example all counsellors of estate ought to follow; and they would no doubt bee like vnto them if they did all know so well as the Senat of Rome, those occasions which are offered in the warres, to enforce a man to do such things as are vnusall. Moreover, it cannot be said, that I (having ben brought vp amongst Spaniards, and receiuing from them all fauour and sincere friendship) should be ill affected towards them: but I may rather say that their courage ought to bee shewed against their enemies,

enemies, and not against the Emperour, who is euen amongst the Barbarous Almaines, called the father of souldiours: you are apt to rehearse what I haue done, but you tell not the cause wherefore. It is sufficient for the Chirurgeon to proue vnto his patient why he doth sometimes cut off or canterise a member; so haue I certified *Cæsar*, that the mutinersought to bee suppressed, for feare least they should animate others to commit the like Treason. Neither haue I caused them to die, witnesse a number that are escaped thence, & amongst others foure, who did each of them bestow a bullet vpon me in my lodging, but they could not touch mee therewith, whom I haue not only pardoned for the particular iniurie done vnto me, but also I haue further saued their liues: whereby it is easily known that I am no enemy to the Nation. Furthermore, it was not expedient to leaue them vnto the enemies mercy, because that would haue but fortified them, and weakened the glory and courage of the nation. Neither yet is it fit to hurt those secretly whom one intendeth to punish or chastise for the terrifieng of others. As for the Romans, the number of their amutined souldiours in Spaine was great, therefore they could not vse extremitie for feare of losing the rest of the armie, and so consequently all that which the Romans held in Spaine, for many of the nobility there were already revolted. Moreover, the Roman souldiours were not accustomed to rebell so often as the Spaniards, and at that time especially they had not done it if they had not supposed their Consull *Scipio* to be dead; and peradventure that was the first time, for such was their modestie before that time, and a long while after the ouerthrow of Cannas, as they (knowing the necessity of their Commonwealth) the

Of Don Ferrand who punished a mutenie,

most part of the souldiours refused to take pay, and they called those mercenaries which tooke the same, affirming that the good souldiour ought to bee as well partaker of the aduersitie, as prosperity of the Commonwealth: but those whō I left in the Isle was but a handfull of men, the best of whom were dead before in the warres: so as the remainder were more fit to lose those fortresses where they should be left in Garison, then to keepe them, and both to corrupt the good souldiours by their example, and also to cause a whole army to mutenie. As for the wrong which therein I haue done vnto Spain, a man may see (setting the gentlemē apart) what souldiours doe come from thence, for the best are ruffians, the others are vagabonds, and cutpurfes, such as were the relickes of the beadles whip, or els such as had left their eares behind them as a pawne of their honestie; and generally such, as al the eues, or verie little better. So that to send souldiours forth of Spaine is rather to purge and amend it then anie way to impaire it; for there can neuer bee so manie of the abouesaid men taken from thence, but that the prisons are alwaies seene full, and the citties are not empty of them. And you must not affirme that they were not all faultie, seeing that in such an offence, the consenter is as worthy to be punished as the inuenter: for they which would not be of that faction, might secretly withdraw themselues from them, as they know well how to doe when they flie from an assault or from some other dangerous skirmish, and especially when their company is appointed to some toilesome Garison, the which is then all closely dissembled vnder the coulour of being Spaniards; Whereas such faults amongst the Almaines are most grievously punished: but it seemeth that a man should
not

not presume to touch the Spaniards, as if they were the only (because the latest) Christians. Let them then endure their mutenies, who are the cause thereof by detaining their pay as you affirme, as for me, I know *Cæsars* liberality can enrich me, therefore I haue nothing to do to trouble my selfe with a gain no lesse vild then vnlawfull and dishonest: & it sufficeth me, that the noble and honourable men of Spaine doe know how well I loue their nation: for I make as little account of the slander of wicked men, as I would willinglie haue the praise of the good, for euery one commendeth such as himselfe is: and that which is more, I will not refuse the iudgement of such of the Counsell as haue commaunded in the warre, but from such as know nothing but by reading, I appeale vnto the others aforesaid. During which appeale, I will bee readie to doe all the good seruices for *Cæsar* as possiblie as I may.

Declamation. 93.

Of the Matrons who are accused for poysoning the Senators.

M Arcus Claudius Marcellus, and Titus Valerius being Consuls in Rome, many of the chiefeſt did die, and all of one diſeaſe. Wherupon it happened that a ſeruant or bondwoman aduertised the Senat that many of the Noble women of Rome were buſied in making of poyſon; the which they gaue vnto men as occaſion ſerued them, & amongſt others, Cornelia and Sergia both nobly borne, were

Of the Matrons who are accused for

accused and found distilling the said poysons, who denying the same verie firmly and stoutly, the slave requested that they might prooue their innocencie in drinking the waters distilled by them, but they refused so to doe, one of them saying:


GOd graunt that my deuination be not true, yet who will not beleue, that some great alteration dooth threaten the Commonwealth, Seeing that slaues (natural enemies to the Romane cōmonwealth) are not only permitted to accused the Noble Matrons, but also are suffered to iudge them according to their owne fancie; saying (and that in the presence of the Senat) drinke of the water which you haue distilled if you will not be accounted faultie? But what would issue then if it were so, (as all this wicked generation of slaues haue their priuate meetings and conference together) that they had perswaded our slaues to put some poyson secretly into our distillations, seeing that there must be some time to performe the same? In drinking the same, should not we therby lose both life and honor together? And if it should otherwise happen, that the water did vs no hurt at al, what could this mischeeuous wretch lose, seeing that not so much as her life is her owne, but at the will and discretion of him or her that hath bought her? And yet neuerthelesse, we should not let to be the spectacle and by-word of the people. For the desire of a vild slave, our innocencie shall be alwaies suspected, and that chiefly amongst the common people, who doe sooner conceiue an euill then a good opinion; then being once imprinted in their braines, sildome or neuer is the same banished. But who would euer haue beleued that the Senat could haue beene so vnaduised as to admit the like accusations, or to cause

two Noble Matrones to appeare in iudgement at the only instance of a person vnworthie to liue? Surely any man of good iudgement will be amaled therat, but the vnwife will euermore haue an ill opinion of vs: wherefore (our honour saued) we were better die then liue, for what may be cōmendable in a woman except her good reputation, which surely is more worth vnto her then any other riches or felicities? Behold vnto what extremitie we are brought, as wel by this wicked woman, as by the indiscretion of the Senat? Who doe not consider that although poyson be distilled, yet can it not bee any crime; No more then it is a fault to forge a sword, to make a bow and arrows, or to spin a halter? all which may more easily be the instruments of death then poyson. But shew mee what law forbiddeth the making or distilling of poyson? What skilleth it then if we haue made deadly waters, to vse them our selues vpon a necessity, for the preserving of our chasterie, if the cittie should chance to be surprisid by enemies, or by falling into any other accident? Shal we be therefore accounted malefactors? How many waters and other compounds doe we make that are hurtfull to drink, as well to preserve and increase our beautie, as also for other matters no lesse secret then necessary? The which we would not reueale for any thing. For every modest woman had rather die then reueale the infirmity of their sex. And yet neuerthelesse it seemeth that we should be constrained publikely to reueale that which nature herselfe hath concealed, to the end it should be kept secret: O miserable world wherein we are borne, seeing that so little respect is had of vs, and that the Senat is so fond, not onlie to giue care vnto the enemies of the Roman Commonwealth, but also to giue credit vnto their slanderous

Of the Matrons who are accused for

derous reports : but what if any slaue had accused *Brutus* to haue beene consenting to the practise of the conspirators ? Should it haue ben belceued , because his sonnes were of that faction ? Should not the accuser haue ben executed on the crosse ? And yet neuertheless it is agreed that this wicked slaue must command vs : yea , and the Senat alloweth her commandement. But what will not these carians presume , to inuent against their mistresses ? And therefore O you Senators you shall at one time or another abide the penalty for the ouergreat credit which you haue giuen vnto their leasings : for it is most reasonable , that those which fauour the wicked , should perish by their hands. Are you yet ignorant that so many slaues as there be , so many enemies we haue in Rome : and yet the Senat permitteth the wickeddest wretch of that generation to persecute the honour and life of the Romane Matrons , being but of late most worthily fauoured and priuiledged , for their vertue and prudence . Lastly , there is inough said of a thing so vniust as this vild wretch is , who dooth of her owne accord condeme her selfe.

The Answer of the Senat.

S is the common custome of women , so is your prattle tedious , and to small purpose of the matter in question : also it appeareth , and is verified in you , that the first aduise of a woman is alwaies best , and that for a present excuse they exceed men , but when they would proceed , they speak against themselues , and they quite forget what to say : euen so your first excuse was best , when you made a doubt that the slaues had corrupted your distillations : but afterwards

wards it seemeth in your going about to proue it lawful to make such waters, you do affirme that you did make them; if it be so, we are not of the opinion that you should drinke them, especially if you doe suspect them, but if it be otherwise, you should not do amisse by that meanes to prooue your innocencie, and procure her end that hath ben your accuser: whose life although (as you say) it be none of her owne, yet would she lose it as vnwillingly as you would yours, the which you are no more sure of, then she is of hers, seeing that we are all at the discretion of fortune: wherfore it may be said that not only bondslaves, sicke persons, sailers, and condemned men, are in danger, but also no man is certain to be free from death: neither is it well said, that we allow the commandement of a slave, but because she is likewise a woman we cannot hinder the readinesse of her tongue, no more then of yours: and for the allowing of her saying to be hurtful, we may say that she hath preuented what we meant to speake: but you complaine before you haue cause; for on the contrary we do now demaund, (since you haue spoken so much) whether you think this water be venomous or no? If you think it is not, drinke it? If you think that your bondwomen haue poysoned the same, it must be known where they had the poyson; And consequently wherof you distilled this water? Whereby it may bee prooued whether your drugs were able of themselues to turne into poyson or no? Or what poison might corrupt them? And afterwards we will know of the rest which made of the same, whether their intention was like vnto yours? For we know that there is a great number of you which do make the same, which is a great likelihood that you are all of one league: wherfore you two shall serue for

Of an Earle, who by a wile did hang

a triall, seeing that you will confesse no more of the matter, for the comparison of the sword with poyson is odious, because the one serueth to strike our foe, & the other is to slay our friend as well as our foe. Therefore all the rest of your triuolous excuses shall not saue you. But tell vs freely whether these waters which you haue made are venomous or no? For this we assure you, that either you must determine to drinke it, or confesse the truth, seeing that after the first excule you would proue that it is lawfull to make it, the which is meere false: for all hurtfull and suspitious things are vnlawfull and criminall. And although there were no law against the same, yet ougt there one to be made; and neuer thinke that here you shall be saued for your noblenesse and great calling, for the more great they are which commit such hainous acts, the greater punishment doe they deserue, seeing they are the cause of greatest scandale, and especially because they are not constrained therevnto through necessitie, but rather prouoked by their owne malicious nature: the truth then shall appeare either by your owne confession, or by the triall which your selues shall make in drinking of your water.

Here is to be noted that these two womē did voluntarily drinke of their water, and died, rather then they would confesse the truth, which the Senators knew already: for within a few daies after, more then two hundred and seuentie women were condemned, and there was neuer before that any accusation of impoysoning.

Declamation. 94.

*Of an Earle of Flanders, who by a wile did hang
foure gentlemen for a robbery.*

An



AN Earle of Flanders named Baldwin, and surnamed Apquin, was a very iust Prince, and kept a great court. Whereupon it happened that certaine Merchants being Jewellers, came to visit him, and they sold him certaine Jewels, afterwards departing from thence, they were pursued and robbed by foure Gentlemen, in great fauor with the Earle; who being accused by the said Merchants, and they not being able to denie the deed, the Earle was in such an exceeding rage, as hee swore that hee would not sleepe before he saw them hanged by the necke: but the goods being restored vnto the merchants, many lords and ladies came to intreat for the gentlemen being prisoners, vnto whome the Earle after long suite and much intreatie, gaue some good hope. Afterwards before he would goe to bed, hee caused the prisoners to be brought into the hall, and made foure towels to bee fastened to a beame, vnder the which hee commanded a table to bee set, then hee said vnto the prisoners, You know the oath which I haue made, wherefore I will fasten these towels about your necks, then each of you list or draw up your legs in such sort, as I may say that I haue seene you hanged: and afterwards setting your feet downe againe vpon the table, you may untie the towels, and say that my oath is accomplished, but another time bee better advised: The prisoners did the Earles commandement, who seeing them well fastened to the towels, threw the table to the ground, and leauing them in that sort hanged, hee shut the hall dore, where, at the last they were strangled of themselves: but their kinsfolke accused the Earle before his Soueraigne Lord the French King, saying:

IF your Iustice and mercie most redoubted So-
 ueraigne, were not equall to your greatnesse, in
 vaine should we haue recourse vnto your ma-
 iestie, to haue right of your vassall our Earle;
 who conuerteth Iustice into crueltie, and especiallie a-
 gainst his gentlemen, who for their vertue and valor
 are odious vnto him, the which hate springeth of no o-
 ther cause, but onlie of a feare which he hath, that they
 will not alwaies endure his cruelties. For cruell men are
 naturallie cowards, and consequentlie subiect to feare,
 which proceedeth from the sting of their owne consci-
 ence that doth secretlie and continuallie accuse them:
 now how sarre vnbecoming cowardise and feare, is for
 the nature of a French man, the taking of Rome, and
 winning of so manie Prouinces, as well in Italie, as in
 Greece, Spaine, and other countries doe witnessse, and
 the rather, because this warlike Nation could neuer be
 subdued by the Romans, nor by anie others, had it not
 ben for Ciuile discention amongst themselues. So that
 it seemeth that the men of this Nation, chieflie the gen-
 tlemen, and chieftest of all he which ruleth, being nei-
 ther hardie nor couragious, degenerateth frō the wor-
 thinesse of that Nation, and so consequentlie maketh
 himselfe vnworthie, as being vild and abiect, the which
 may be seene by our Earle (if he may be so called that is
 anemie of Nobilitie:) for what act can be more vild
 in a great lord then to vsurpe and take vpon him to exe-
 cute the hangmans office, and with his owne hands to
 hang the gentlemen of his train for a light fault, which
 may rather be called a tricke of youth? In Spain a man
 shall verie hardlie find one amongst the theeues in pri-
 son, which would promise to be a hangman five years,

to saue his life : Nay, in euerie countrie there are none of that office but such as are murderers or theēues. How odious then ought that office to bee vnto a free man ; but more vnto a Noble man, and most of all vnto a Prince of a countrie ? who ought to be a spectacle vnto all men, and a true patern of Nobilitie ? And so much the more odious is this fact, because those that are common hangmen, doe execute none but such as are condemned, but these men were hanged before they were condemned ; If our Earle will not affirme, that hee was both accuser, Iudge, and hangman altogether : and that which was worst of all, hee put them to death without confession, not suffering them to haue onely so much leifure as to vnburden their consciences, but euen vnder the coulour of sauing them, he hath slain them. *Flaminius* was accused of the Romane Censors, because he being Prætor in Gaule, caused a malefactor to be beheaded before him whilest he was at supper, and our Earle thinketh that hee hath not done amisse to hang three Gentlemen betwixt his supper and his bed time, a thing far differing from the clemencie required in a lord so great, for euerie lord that ruleth a country ought to take example by the Princes of the bees, who either haue no sting at all, or if they haue anie, yet do they not vse it. Finally (if it please your Maiesty) we are not alone wronged by this fact, for your Maiestie hath lost foure seruants, who if need had beene, would not onlie haue imployed their wealth and their liues for your seruice, but also might haue induced many others to doe the like : for a valiant Gentleman draweth mens hearts after him. The Commonwealth doth lose therby, losing those who either for your Maiesties seruice, or the countries safetie, might haue ben conducters or leaders

Of an Earle, who by a wile did hang

to the rest. Moreover, by such liberal and noble persons diuers men doe gaine their liuing, and others increase their wealth, but alas! all this notwithstanding they are dead, not by right, but by the Earles rigor, who was afraid lest Iustice should haue ben done vnto them: but who would not tremble in hearing it onelie repeated, that an Earles hall hath serued for a prison, his table for a ladder, the beame for a gibbet, and he for a hangman? And yet the same is happened, and hee himselfe dooth boast thereof, for such is the custome of thole which resemble him, that of vice they make vertue, which is the greatest mischief that can happen in a Prouince, and chiefly when the same commeth from the Prince. Had it not ben most reasonable first to haue known whether the fault was committed, and what was the cause, with the rest of the circumstances thereof? And then to haue proceeded lawfully and rightlie against the offenders? But it seemed that the Earle was afraid that hee should not haue found neither sergeant, prison, Iudge, hangman, ladder, halter, nor gallowes to execute these gentlemen: for which cause he desired that all these foresaid mischiefs should bee found in his hall and in his person. A man may say that I speake with small respect vnto my lord, but we protest, that from henceforth we will neuer so account him, and if wee cannot obtaine from the King the hoped remedie of our due reparation, we make a vow that we, our children, parents, kindred, alies, friends, and whosoeuer els dependeth vpon vs, will rather goe dwell amongst the Scythians or anie other more cruell nation, then we will remain any longer vnder the gouernment of a man so infamous.

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The Earles Answer.

THe same Iustice, mercie, and Maiestie of the King which you imploy against me, shall yeeld mee reason against all you, and shall in my behalfe punish you for your no lesse vain, then outragious and vnreuerent speecches, wherefore I doe not refuse the iudgement of his Maiestie, although the matter concerneth his highnes nothing at all, in as much as those whom you speak of were no Gentlemen, but robbers and thecues, and for such haue I punished them, and if anie would know why I did it not after the vsuall manner, as there shall no reasons be wanting, so am I not bound to tell them vnto anie but vnto such as it shall please my selfe: therfore I will only say that they being in that sort put to death, their ingratefull kindred towards me haue receiued lesse dishonour thereby, then if they had beene made a publike spectacle to the people. Likewise, the nobilitie of Flanders are become so insolent, as they stand in no aw at all of Iustice, wherefore this Iustice no lesse suddaine then iust, will make them to bethinke themselues twice, before they will commit the like offence againe. Moreover, you were resolu'd to saue them either by intreaties, or otherwise, therefore I desired to take away all occasion to ad vnto their death, not onlie yours, but also other mens destructions, for he may be tearmed wise and vertuous, which by one smal mischiefe can eschew farre greater mischances: but he that dooth neuer so great good vnto the ingratefull, receiueh nothing but hate and reproch for his reward: euen so hath it happened to me herein. If you who say that you are noble, did know what nobilitie is, and wherein it consisteth,

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Of an Earle, who by a wile did hang

you would say that these robbers were no Gentlemen, seeing that gentilitie cannot be grounded but only vpon vertue, and as thereby the base borne attaine to nobilitie, euen so he which continueth not therein, loseth that nobilitie which his father hath left him, to the intent that hee should bee vertuous: for nothing is more pernicious in a Commonwealth then he who dooth falselie vsurpe the title of Nobility. I do demand of you whether the sonne of a good musicion may inherit his fathers cunning & renoume, chieflie to be a good musicion, without learning and thorowly exercising of musicke? It seemeth not, if then in an art of so small consequence a man cannot attaine vnto the same or facultie of his father, without he be the same in effect, although it should not preiudice the Commonwealth in any sort; how then can they inherit nobility, who make no prooffe therof by vertue, by the which our ancestors haue gained it? If nobility came but by descent, it would be no lesse weake, then of small continuance, considering the multitude of those that die in the wars; but vertue which doth thereby nobilitate others, doth still maintain the same. I haue then caused these villains to die secretly for the respect I had vnto their kindred, who desired to remaine noble in following vertue, for those which doe swarue from it, a man may rightly say that nobility doth end in them, and they which follow it cannot chuse but be noble indeed: the which *Cicero* knew very well how to applie when *Claudius* said vnto him that he was no gentleman; Truly (said he) in me doth the nobilitie of my race begin to bud, as in you the gentrie of your stocke is alreadie blasted. And since that I being so exceedingly bound vnto vertue, as God hath made me by birth more noble and greater then any

ny other of my countrie, I haue done but my dutie in executi-
 ing good, speedie, and short Iustice: for Iustice
 surely is not the least kind of vertue, and not to execute
 Iustice were cruelty, wherefore I am not cruell, much
 lesse a coward, neither doe they speake the truth which
 doe say that I am an enemy to gentlemen, or that I fear
 them, but I am indeed an enemy to the vicious, and I
 fear least they should hurt the good, or that they should
 be corrupted by them: nor haue I been their executio-
 ner or hangman as you affirme, but they themselues ac-
 cording to their deserts haue ben the butchers of their
 owne liues; and were it otherwise, yet is he rather a
 hangman which robbeth or killeth an honest man, the
 is he which executeth malefactors. This Spanish pittie
 proceedeth of no other caule, but onely for that they
 would not execute those which are of their profession,
 yet to betray or murder good men they are nothing
 scrupulous. The Prince of a countrie cannot shew anie
 better example then in performing Iustice, the which I
 haue done: And know you that the Iudges are not ne-
 cessary, but where the Prince is not present: for prooue
 whereof, *Salomon* himselfe iudged causes, yet no other
 but the King can iudge me. As for *Flaminius*, he put a
 condemned man to death vpon pleasure, onely to con-
 tent an harlot, but I haue executed foure to obserue Iu-
 stice. But for any seruice that they might haue done for
 the King, a man may as well say the like of all other
 theeves: for such people can easilie assemble a great
 number of such worthlesse & lewd fellows as they are.
 Likewise, it is not a small mischiefe that prodigalitie is
 wrongfully held for liberalitie, as if the prodigall did
 not commit a thousand mischiefes, to get wherewith to
 performe their follies, as these foure did, who by their

Of a Jew who would haue a pound of a

prodigality became the cues. Wherefore it may be affirmed, that they and such as would maintaine them, are those that esteeme vice to be vertue, and villaines to be Gentlemen. As for the small respect that you haue vsed in slandering me, it is therein that I may shew my clemencie, for it is true Magnanimitie to pardon great faults, especially when none is offended therby, by only he which pardoneth the same, as I doe not only pardon you, but also doe further beseech the King not to punish you, because it may bee at your owne choice either to remaine in your countrie or to forsake the same; not for that I care for such subiects as you are which disdain me to be their lord, but because I would not against my custome shew my selte rigorous towards those, who being overcome by passiō, do but offend me in words, & the rather because they which speake more then they should, doe thereby but procure their owne shame. And to conclude, there is no reason that you should be beleeued concerning the dead; But it may please the Kings Maiestie to bee better informed vpon this matter, If it shall not like his highnesse to credite those informations as are most true; which I doe hete present vnto his gracious hands, binding my selfe vnto any satisfaction, if in ought I haue swarued from Iustice.

Declamation. 95.

Of a Jew, who would for his debt haue a pound of the flesh of a Christian.



A Jew vnto whom a Christian Marchant ought nine hundred crownes, would haue summoned him for the same in Turckie: the Merchant because he would not be discredited, promised to pay the said summe within the tearme of three months, and if he paid it not, he was bound to giue him a pound of the flesh of his bodie. The tearme being past some fifteene daies, the Jew refused to take his money, and demanded the pound of flesh: the ordinarie Iudge of that place appointed him to cut a iust pound of the Christians flesh, and if he cut either more or lesse, then his owne head should be smitten off: the Jew appealed from this sentence, vnto the chiefe iudge, saying:

Impossible is it to breake the credite of trafficke amongst me without great detriment vnto the Commonwealth: wherfore no man ought to bind himselfe vnto such couenants which hee cannot or wil not accomplish, for by that means should no man feare to be deceaued, and credit being maintained, euery man might be assured of his owne; but since deceit hath taken place, neuer wonder if obligations are made more rigorous & strict then they were wont, seeing that although the bonds are made neuer so strong, yet can no man be very certaine that he shal not be a loser. It seemeth at the first sight, that it is a thing no lesse strange then cruel, to bind a man to pay a pound of the flesh of his bodie, for want of money: Surely, in that it is a thing not vsuall, it appeareth to be somewhat the more admirable, but there are diuers others that are more cruell, which because they are in vse seeme nothing terrible at all: as to bind al the bodie vnto a most lothsome prison, or vnto an intollerable slauerie, where

not only the whole bodie but also al the senses and spirits are tormented, the which is commonly practised, not only betwixt those which are either in sect or Nation contrary, but also euen amongst those that are all of one sect and nation, yea amongst neighbours and kindred, & euen amongst Christians it hath ben seene, that the son hath imprisoned the father for monie. Likewise, in the Roman Commonwealth, so famous for laws and armes, it was lawfull for debt, to imprison, beat, and afflict with torments the free Cittizens: How manie of them (do you thinke) would haue thought themselues happie, if for a small debt they might haue ben excused with the paiment of a pound of their flesh? Who ought then to maruile if a Iew requireth so small a thing of a Christian, to discharge him of a good round summe? A man may aske why I would not rather take siluer of this man, then his flesh: I might alleage many reasons, for I might say that none but my selfe can tell what the breach of his promise hath cost me, and what I haue thereby paid for want of money vnto my creditors, of that which I haue lost in my credit: for the miserie of those men which esteeme their reputation, is so great, that oftentimes they had rather indure any thing secretly then to haue their discredit blazed abroad, because they would not be both shamed and harmed. Neuerthelesse, I doe freely confesse, that I had rather lose a pound of my flesh, then my credit should be in any sort cracked: I might also say that I haue need of this flesh to cure a friend of mine of a certaine maladie, which is otherwise incurable, or that I would haue it to terrifie thereby the Christians for euer abusing the Iewes anie more hereafter: but I will onelie say, that by his obligation he oweth it me. It is lawfull to kill a souldior if he

come.

come vnto the warres but an houre too late, and also to hang a theefe though he steale neuer so little : is it then such a great matter to cause such a one to pay a pound of his flesh, that hath broken his promise manie times, or that putteth another in danger to lose both credit & reputation, yea and it may be life and al for greife? were it not better for him to lose that which I demand, then his soule, alreadie bound by his faith? Neither am I to take that which he oweth me, but he is to deliuer it me : And especiallie because no man knoweth better then he where the same may be spared to the least hurt of his person, for I might take it in such a place as hee might thereby happen to lose his life : what a matter were it then, if I should cut of his priuie members, supposing that the same would altogether weigh a iust pound? Or els his head, should I be suffered to cut it off, although it were with the danger of mine owne life? I belecue I should not; because there were as little reason therein, as there could be in the amends wherevnto I should be bound : or els if I would cut off his nose, his lips, his eares, and pull out his eies, to make of them altogether a pound, should I be suffered? Surely I thinke not, because the obligation dooth not specifie that I ought either to chuse, cut, or take the same, but that he ought to giue me a pound of his flesh. Of euery thing that is sold, he which deliuereth the same is to make waight, and he which receiueth, taketh heed that it be iust : seeing then that neither the obligation, custome, nor law doth bind me to cut, or weigh, much lesse vnto the aboue mentioned satisfaction, I refuse it all, and require that the same which is due should bee deliuered vnto me.

The Christians Answer.

IT is no strange matter to here those dispute of equitie which are themselves most vniust; and such as haue no faith at all, desirous that others should obserue the same inuolable, the which were yet the more tollerable, if such men would bee contented with reasonable things, or at the least not altogether vnreasonable: but what reason is there that one man should vnto his own preiudice desire the hurt of another: as this Iew is content to lose nine hundred crownes to haue a pound of my flesh, whereby is manifestly seene the antient and cruell hate which he beareth not only vnto Christians, but vnto all others which are not of his sect: yea, even vnto the Turkes, who ouerkindly doe suffer such vermine to dwell amongst them, seeing that this presumptuous wretch dare not onely doubt, but appeale from the iudgement of a good and iust Iudge, & afterwards he would by sophistickall reasons prooue that his abomination is equitie: trulie I confesse that I haue suffered fiftene daies of the tearme to passe, yet who can tell whether he or I is the cause thereof, as for me I thinke that by secret meanes he hath caused the money to bee delaied, which from sundry places ought to haue come vnto me before the tearm which I promised vnto him; Otherwise, I would neuer haue been so rash as to bind my selfe so strictly; but although he were not the cause of the fault, is it therefore said, that he ought to bee so impudent as to goe about to prooue it no strange matter that he should be willing to be paied with mas flesh, which is a thing more natural for Tigres, then men, the which also was neuer heard of: but this diuell in shape
of

of a man, seeing me oppressed with necessitie propounded this accursed obligation vnto me. Whereas hee alleageth the Romanes for an example, why doth he not as well tell on how for that crueltie in afflicting debtors ouer greuously, the Commonwealth was almost ouerthrowne, and that shortly after it was forbidden to imprison men any more for debt. To breake promise is, whe a man sweareth or promiseth a thing, the which he hath no desire to performe, which yet vpon an extreame necessitie is somewhat excusable; as for me, I haue promised, and accomplished my promise, yet not so soone as I would; and although I knew the danger wherein I was to satisfie the crueltie of this milcheuous man with the price of my flesh and blood, yet did I not flie away, but submitted my selfe vnto the discreti- on of the Iudge who hath iustly repressed his beastli- nesse. Wherein then haue I falsified my promise, is it in that I would not, (like him) disobey the iudgement of the Iudge? Behold I will present a part of my bodie vnto him, that he may pay himselfe, according to the contents of the iudgement, where is then my promise broken? But it is no maruaile if this race be so obstinat and cruell against vs, for they doe it of set purpose to offend our God whom they haue crucified: and wherefore? Because he was holie, as he is yet so reputed of this worthy Turkish nation: but what shal I say? Their own bible is full of their rebellion against God, against their Priests, Iudges, & leaders. What did not the verie Patriarks themselues, from whom they haue their beginning? They sold their brother, and had it not been for one amongst them, they had slaine him euen for verie enuie. How manie adulteries and abominations were committed amongst the? How manie murders?

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Abſalon did not he cauſe his brother to be murdered? Did he not perſecute his father? Is it not for their iniquitie that God hath diſperſed them, without leauing them one onlie foot of ground? If then, when they had newlie receiued their law from God, whē they ſaw his wonderous works with their eies, and had yet their Iudges amongſt them, they were ſo wicked, What may one hope of them now, when they haue neither faith nor law, but their rapines and vſuries? And that they beleene they do a charitable work, when they do ſome great wrong vnto anie that is not a Jew? It may pleaſe you then moſt righteous Iudge to conſider all theſe circumſtances, hauing pittie of him who doth wholly ſubmit himſelfe vnto your iuſt clemencie: hoping thereby to be deliuered from this monſters crueltie.

Declamation. 96.

Of Palamedes, who was accuſed by Vliffeſſes that he meant to betray the Grecians.



I ſuch time as the Grecians aſſembled themſelues together to goe vnto the warres of Troy, Vliffeſſes King of Iſhaca becauſe he would not goe thither, ſained himſelfe mad: and the better to colour his deceit, he himſelfe held the plough tilling of a barren peece of land, but Palamedes verie well perceiued his ſubtiltie, and to make it knowne vnto the reſt that were ſent, he tooke yong Telemachus, the only ſonne of Vliffeſſes and Penelope, and laied him in the way where the horſes and plough which Vliffeſſes did driue ſhould paſſe, who turning the horſes aſide becauſe he would not hurt his ſonne, his diſſembling

bling was discovered, and he constrained to goe vnto the warres with the rest of the Grecian Princes. Wherefore they being at the siege of Troy, Vlisses the better to bee reuenged of him, found the meanes to burie a certaine quantitie of gold vnder the tent or pauillion of Palamedes, at that corner which stood next vnto Troy. Within a while after he accused him, saying that he had receiued treasure from the Troians to betray the Grecians. After long disputations and much arguing, the hidden gold was found. But yet Palamedes did stoutly defend himselfe against the accusation of Vlisses, who said thus:

O Immortall gods, O heauen, O earth, and you other Elements, O you planets and starres, true witnesses of my iust sorrow, and you men partakers of this great mischiefe, (if it had not ben discovered) giue eare vnto the words, which vnto my great grieve I am constrained to vtter. Who would euer haue thought that anie of the Grecian princes had had so vild a heart as that he would for gold seeke to betray his companions, together with their allies and subiects: but alasle contrarie to the expectation of all, the same is entred into the heart of one onlie. O gods, our conseruours, I render vnto you immortall thanks, for bringing me (in a manner against my will) vnto these warres, seeing that I must be your instrument to saue all this armie, pretending to performe a most iust cause, and yet neuerthelesse betrayed by one of the princes thereof. It is not said in vain, that those which serue the gods, doe by their grace obtaine wisdom, and become familiar with them; euen so I, who from my youth haue beene so happie as to admire, contemplate, and honour their deities, haue receiued this recompence therefore, as that my heart dooth most commonlie foretell me what mischiefes shall ensue:

sue: therefore I was in doubt to come vnto this warre, seeing that I did as it were perceiue that all the armie should be in danger to bee lost by Treason: but it hath pleased the gods to make me the meanes to disclose the traitor; but must I tel who it is? Yes surely, for our countries weale is to be preferred before all friendship, profit, or any other benefit: Wherefore I protest vnto the gods, and before this honourable assemblie, that if mine owne sonne were partaker of this Treason, & none but my selfe did know therof, I would not only accuse him, but I would also cast the first stone at him to stone him to death, as well for my countries safetie as for because he had in such sort stained our stock: neuerthelesse noble princes and you Grecian people, I beseech you for the reward of this my seruice, that he whom I shall trulie name may serue for an euerlasting example of the Grecians clemencie by sauing his life, the which amongst great princes is nothing so much esteemed as honour: for the remembrance of his fault will be a punishment seuerer inough, and the granting vnto him his life, will inforce him to employ the same to achieue some notable act, thereby to extinguish the memorie of his passed fault, so that your pittie shall bring you a double frute, that is to say, profit, and glorie. Grant then my request O you Grecians, whereof I am not vnworthie, considering the maniefold good seruices which I haue done for you, by the which I doe coniure you, as also by those which I may hereafter performe, if you doe bind me by this gracious fauour which I doe intreat of you. Alasse, I perceiue you are all silent, but I know not whether it is because you are astonished at the strangenesse of the matter, or els (which the gods forbid) because none of you wil condescend vnto the intercession which

which I make for him whom you doe not yet know? If you will not whollie graunt my request herein, yet at the least assure me that the chastisement shall not bee equall to the crime, but that the rigor of law shall be mitigated by lenitie. You make no answer at all, Grecians, wherefore I feare me least this danger wil draw you vnto ouer great rigor: surely the fault is great, but in pardoning the same your mercie shall bee the more esteemed, for it is a common thing to pardon smal offences, and it behooueth those that are noble and great men to pardon those faults as are of great importance such as this is; Trust me, if you continue your silence anie longer, you will prouoke me also to hold my peace, for as I would be glad to saue the whole armie, so would I bee sorrie to cause the death of anie of the princes. But I plainlie perceiue that I must take your silence as a token of your consent, and so consequentlie that the zeale of the Commonwealth and the safetie of all you, ought to be preferred before the assurance which I require: mark then my words well without passion, which I feare to bee too true: It is so that some of our secret friends which are in Troy (whom I would not credite, if I did not thorowlie know their integritie) haue assured mee that *Palamedes* during these ordinarie skirmishes, hath vnder the coulor of fighting with the enemies, contracted with them to burne the Grecian Nauie, to the end that the armie being void of all succours or hope, shold be laid open for the enemy, and to bring the same to passe, he hath receaued great summes of gold from the. It behooueth you therefore (O you Grecians) to make diligent search, and to be thorowly informed whether the accusation be true, or that the Troians haue fained the same onlie of set purpose, to weaken our forces by
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the losse of a man so famous, or to set vs at discord together, or whether *Palamedes* haue taken this gold for anie other intēt, as for to deminish their store by so much or els to worke some other stratagem therby. I thought it good to declare this openly in the presence of all men, to the end that some assuaging the rage of the rest, you might altogether with one mind endeuor to sift out the truth of the deed, of the which labour *Palamedes* might ease you by confessing the matter, and for what intent he hath receiued this coine, if hee will not haue vs to search his ship, or els where, for the said gold, the which being once found without his confession, would greatly increase his crime. Wherefore aduise him in the way of friendship not to imagine that the same can be hidden from *Argos*, which signifieth no other thing then the eies of the multitude, who doe see manie things, which are supposed to be verie secret. O how miserable are those that perseuere in mischief, because they are perswaded the same shall neuer be manifest! For euen when they thinke they are most safest, then oftentimes either they themselues, or els those in whom they put most confidence, doe bewray them in such sort, as ouer late repentance and suddaine punishment doe both fall vpon them at once. But this is the mischief, that ambition perswadeth those which follow the same, that all things how wicked soeuer they be, are lawfull, and that abundance doth nothing but increase auarice, which of it selfe is insatiable. Doe you then *Palamedes* shew yourselfe to be free from these vices, and in shewing by effectuall reasons that your intent was sound, you may free vs from this suspition, considering that if you do otherwise, the Grecians are no lesse readie to punish obstinate traitors, then couragious to fight against their Troian enemies.

namies: And let not passion O you Grecians cause you
to forget my former words spoken of pure zeale, onlie
for your preservation.

Palamedes his answere.

O Radhamant, Minos, and Eacus, iust iudges of the in-
ternall places, O Pluto, and Proserpine, Monarks of
the darkesome mansions, thou Nemesis goddesse of re-
uenge, and you hellish hags, Aleete, Thesephone, and Me-
gera, tormenters of fittfull soules, cease your torturing
of Tantalus, Ixion, Sisyphus, the Belides, Prometheus, and all
the other damned soules in perpetuall torments, to em-
ploy your iustice, your power, your reuenge, and al your
extremest furie against this peruerse wicked Traitor,
who harboreth no lesse mischief in his heart then ma-
lice in his tongue. O immortall gods, how can you suf-
fer such iniquitie? O earth why doe you not open vn-
der the feet of this abominable wretch to swallow him
vp? O you worthie Grecians, how can you hope for
happie successe in your most iust warre, so long as this
diuell in the shape of a man remaineth amongst you?
Who is he, that can beware of his Treasons? who can
euer defend himselfe from his malicious practises?
Which doe worthelie persecute me, in that I am the
cause that this poison in mans likenesse is come with vs
to infect the soules, courages, and the noble nature of
the Grecians, animating them vniustlie against those,
who are both iust and righteous: Alasse, it is a true sai-
eng, that a good man is no longer in safety then he plea-
seth a traitor: the which saieng may bee verified by me,
who thinking that I had done well for all the Grecian
Nation, haue prouoked against my selfe the vniust ven-
geance

geance of this mischieuous man, who indenoureth to worke my shamefull overthrow. Forbeare a while, O you Grecians, the vniust rage which you haue conceaued against me, by the most venomous tongue of *Vhsjes*, vntill that I make you know what falshood he vseth against me, wherein he hath not failed to employ all his diuelish subtiltie: First I would haue you to consider how in the beginning of his oration, he seeketh to raiuish the minds of the hearers vnto a certaine admiration, with a desire speedilie to vnderstand that which he would say; then seeing their soules so doubtfull, he stirreth them vp vnto anger and fear, perswading them that they are all in great danger; afterwards by a fained hypocrisie, he would make them beleue that he is familiar with the gods, foreseeing all future mischiefes; but in effect he foreseeeth none at all, but those which himselfe intendeth to doe (as he hath caused this gold to be hidden where it was found) and lastlie he bringeth an example saieng: that in such a case he would not spare his owne sonne, by that meanes indeuouring to persuade the to stone me; hauing once imprinted it in your hearts, he faineth himselfe desirous to saue me, knowing verie well that all his counterfait speeches tend to no other end but onlie to animate you against me, neuerthelesse fearing least he had moued you vnto some pittie, he first setteth downe the chastisement before hee nameth me, & then he somewhat doubtfullie affirmeth his saieng to be true, vrging me to confesse that which neuer was: Whereof I take to witnesse both the celesti- all, and infernal gods, iust reuengers of committed treasons, imploring their most iust vengeance against him that did neuer before this present houre know that anie gold sent from the Troians was in our campe. But you
may

may beleue (O you Grecians) that Vlisses to be reuēged of me for discovering his deceit, when he fained himselfe mad because he would not come vnto the warres, that he I say (as himselfe affirmeth) hauing beene oftentimes within the cittie of Troy, where he hath his intelligences, did bring this gold from thence, and whilst I was in the battaile he did burie the same vnder my pavillion, the which as it is not the first treason which he hath plotted, so will it not be the last that he intendeth to performe, if you do but suffer him therein, for sure he is one of those, who in doing euill doe imagine their euill deeds will neuer be espied, because he hath so great a confidence in his foxlike sleights, that there is no wickednesse which he dare not attempt: and the gods grant O Grecians, that he doe not one day commit the same treason which he falselie objecteth against me. To conclude, I pray you worthie Grecians thorowlie to consider all my passed actions, and to beleue that I had rather endure the cruellest death that might be imagined, then I should euer haue had the thought to commit any Treason. Be you then assured, that what good or hurt soeuer you shall doe vnto me, it shall be done vnto such a one as neuer thought vpon any thing but what was for the common good of our countrie, the which I haue euermore preferred before mine own comoditie.

Notwithstanding the deniall of *Palamedes*, hee was stoned.

Declamation. 97.

Of the *Romane Dictator*, who would haue put the master of the horse men to death, because he fought against his commandement.

E c

Lucius



Mucius Papirius Cursor, being created the two and fortieth Dictator in Rome, to make warre against the Samnites, Quintus Fabius Rutilianus was made Maister of the horse, being a young and valiant gentleman. It chanced after a certaine battaile, and the taking of some citties, that the Dictator went to Rome to make the disposition of the aire, thereby to know what lucke they should haue, leauing the said Maister of the horse in the campe, with expresse commaundement that he should not attempt any thing untill his returne; But he being departed, there was so faire an occasion offered, as Fabius gaue the battaile, and won it wholly, afterwards hauing caused all the armes of the dead enemies to be burned, hee wrote vnto the Senat of his victorie, neglecting the Dictator; who being returned vnto the campe, hee deliuered him into the hands of the Dictator, to bee beaten with rods, and to strike off his head; but as his apparrell was pulling off hee escaped, hiding him amongst the souldiours, and afterwards by night fled vnto Rome, whether the Dictator followed him, and hauing caused him to bee brought before his iudgement seat, hee would haue condemned him againe, but the father of Fabius accompanying him in mourning weeds, and hauing recommended him vnto the people, tooke vpon him the defence of his sonne, saying:

How great the miserie of man is, may appeare by the linage of the Fabij, who haue ben euermore troubled for the zeale which they had vnto the Commonwealth. First, Quintus Fabius hauing done manie worthie acts, as well at home with his Counsell, as abroad in the wars, by his courage, died in fighting against the Tuscans, where all the Fabians were noted to be famous, and especiallie Marcus Fabius, who caused the

put the master of the horsemen to death. De. 97. 315

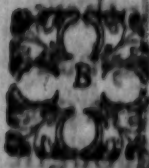
the Romane souldiors to sweare not to giue ouer fighting vnlesse they were conquerors, and being seconded by *Ceson*, *Fabius* making head against his enemy, brought the Romans backe againe, who contrarie to their oath were readie to turne their backs, which in the end was the cause of the victorie: and because all that lineage was carefull to cherish, and heale the wounded souldiors, they were esteemed and suspected to bee Plebeians. I cease to report what they did both before and after: but I will onelie tell how they tooke vpon them an enterprize that they alone would defend Rome from the insolencie of the Veians, and there issued forth together three hundred and six kinsmen, who died all in the said defence, and there remained no more of all the *Fabians* aliue but my father, that was in Rome, who alas hath since that time replenished the world, and restored vnto the Commonwealth, this no lesse miserable then noble lineage. How much better had it ben for him to haue died with the rest, if we must alwaies for our good seruice be subiect to the reproches of some, or to the persecution of other, or rather since we are no lesse troubled in resisting the malice of the Cittizens then wee are in fighting against our enemies, behold my sonne here who hauing vanquished the enemy, is adiudged to die by the Dictator: and wherefore? Because hee hath done that which the Commonwealth not onlie desired, but also that which it most stood in need of: He is the conqueror, & now alas it is thought expedient that a shamefull and violent death should be a reward of his conquest, at the wil and pleasure of one onlie man. The Patricians and people reioice at his victorie, enioying the benefit thereof, the souldior is partaker of the same, and the Dictator alone would haue

Of the Romane Dictator, who would haue him to die, as if the Commonwealths good were his hurt, or as if a Patricians renoume were his reproch, or as if the glory of the master of the horse did not increale the worthinesse of the Dictator. Surely, if the Romans take this course (which the gods forbid) they need no other enemies but themselves. *Marcus Furius Camillus*, that great protector of Rome, did not onelie succour *Lucius Fulvius* (who fought against his intention) but also made him partaker of his victorie, and shortlie after did chuse him for his companion in the warres of *Tusculum*, such was the magnanimitie of this great Roman, redeemer of his countrie, to excuse the faults which are committed by youth: for he did verie well know, that there was no lesse courage in him to pardon a great offence, then to combat and overcome a great armie of enemies. Doe you then noble Dictator imitate that most worthie man, Dispile not the whole Senat that requesteth you, refuse not the Patricians, the Tribuns, & the people also, that intreat you, nor yet me a miserable old man and father to this poore yeong man, who yet may accomplish manie worthie and good seruices for his countrie, if together with his life, you cut not off the course of his vertuous acts; consent the vnto some of our requests, or els graunt vnto vs all his life that is worthie to liue, and as you your selfe haue had him in verie great estimatiō, making him General of the horse, so now give him his life, and bind vs all vnto you for the same. If not, you will constrain me to appeale vnto the Tribuns, and to haue recourse vnto the people of Rome, who may doe more then your Dictatorship. I will see if you wil giue place vnto such an appeale, as did the Romane King *Tullius Hostilius*: or since you cannot triumph over the enemies, whether you will violentlie triumph

triumph over the death of the conqueror? I haue ben Dictator as well as you, but yet did I neuer offend anie priuate souldiour, or other inferiour Plebeyan; for I know how that dignitie or office is given to preserue the Romanes, and not to destroy or hurt anie of them; how much lesse then a captaine of good desert in the Commonwealth? A man may hereby see what difference there is betwixt the modestie of our ancestors, and the pride of this present age, for besides that deed of *Furius Camillus*, it is knowne that *Quintus Cincinnatus* vsed no cruelty against *Lucius Minutius*, for freeing himselfe from that place where by his rashnesse hee was besieged, but left him Legat in the campe, euen then when he went to Rome. Yea, the people who haue all authoritie doe neuer condemne anie captaine vnto death, as it appeareth by *Virginus* and *Sergius*, and diuers others, who hauing lost battailes, camps, and souldiours, haue ben thereof acquitted, or at the most but fined in a certaine summe of money, where as now one that ought as a conquerour to triumph, is threatened by the Dictator with rods and the axe: what would hee then doe if he had lost the battaile? Would he not trow you condemne all the Fabians, and al the souldiors which were escaped from the battaile? Now when this conqueror ought to be a spectacle of happinesse vnto all the citie, being accompanied with his friends to render thanks vnto the gods for his victorie, they stand here round about him to bewaile his miserie, and to beg merke of the Dictator to saue his life. O gods will you thus forsake him, who by your fauour hath vanquished the enemies of your temples? And you Patricians can you leaue him that is by birth such as you are? And you souldiors, will you abandon him that hath led you vn-

Of the Roman Dictator, who would haue put to all martiall glorie? And you people can you condemne him that is yet in danger of his life, hauing alreadie aduentured the same for the safetie of your houses, and the sepulchres of your ancestors? For the defence of you, your wiues, children, and whatsoeuer els is most deare and acceptable vnto you? Will you suffer the enemies to haue such a pleasure done them, O you souldiours, as that your captaine, and he vnder whom you haue conquered, should bee punished euen by his countrimen, as the most pernicious Traitor that euer was in the world? O immortall gods, let me die, before so manie miseries doe happen.

The answer of Papirius.

 Eleue me *Fabius* I do greatlie pittie thy sonnes youth, and more thy age: yet all that can only moue me to compassion, but not to pardon a fault so vnworthie to be forgiven; the which I would most willinglie doe, if the iniurie had been offered vnto me, but being don vnto the gods, to the Commonwealth, to the Magistrat, and to martiall discipline, what can I doe lesse (seeing O you Romanes you haue thought me worthie of the highest authoritie) then execute condigne punishment therefore? Will you that for one mans sake alone, both the warres and the Magistrat should lose, the one his authoritie, and the other his discipline? Were it not better that one man alone should die, then all the rest aboute should decay? As the Fabians haue in times past done manie worthie facts, so also are they not free from a number of faults; for I doubt whether it was vertue or rashnes in them, to vndertake alone such an enterprise against the Veians,

ans, thereby depriving the Commonwealth at one instant of so manie men of that worth as you esteeme them: it cannot be denied but their overweening to encrease their owne reputation, did greatlie deminish the Commonwealth and much aduantage the enemy therof. But why doe you not as well speake of the three Fabians that were sent Embassadors vnto the Gaulesto Clusa? Was not their rashnesse the cause of the ruin of Rome? As the like might haue happened by this man here, had he not ben more fortunate then well aduised. And thus much further I will say, that by how much they which offend are of great birth and noble parentage, by so much are they more worthie of punishment, for their greatnesse maketh the fault a long time after more famous, and being left vnpunished, they incite a number of others to doe the like. Doe you not thinke that *Marcus Manlius* would els haue forgiuē the youthfull follie and valiant towardnesse of his sonne? whom he would rather put to death then it should be said that by him were lost the ancient militarie discipline. In like sort *Brutus* the author of the Romane freedome, preferred the same before his childrens liues, who were executed by iustice. Doe you imagine *Fabins*, that they loved not their children so well as you? Surely they did: but it seemeth that you doe lesse affect the Commonwealth then they: for here you care not to see the Empire of the Romane people wronged, which surelie is inuincible, so long as it shall follow the ancient customs, obserue militarie discipline, and maintaine the authoritie of the Dictator, a most high office, & the onlie and last refuge, when all other remedies faile. As for me I cannot make this authoritie perpetuall, yet I will beware that by me it be not contaminated, as also I de-

Of the Roman Dictator, who would haue put

fire that the soueraigntie of the Tribuns (being of it selfe inuolable) would not indeuour by their intercessions, to violate the Romane Empire. I doe likewise intreat the people that they would not in me suffer the power of the Dictator to decay; to the end that hereafter they doe not too late repent when they shall know that by their fault the souldiour will no more obey the Centurion, nor the Centurion the martiall Tribune; nor the Tribune the Legat, nor the Legat the Consull nor the Maister of the horse the Dictator, and that no bodie will shew anie dutie at all either to men, or to the gods. All the rest as *Lucius Fuluius*, and *Lucius Minutius*, were the companions of their Colleagues, wherefore it is not said in vaine, that hee which hath a companion, hath a maister, they then fought not against the commandement, but against the will of their Colleagues, as being equall with them in authoritie. But who can denie that I had not the power, and that I did not command him not to fight during my absence. The yoong *Torquatus* was iudged to die by his father onlie for hazarding his owne person, and you would excuse *Fabius* who by his rashnesse did indanger all the campe, yea, the whole Commonwealth; for the more you praise his victorie, the more is the danger apparent wherevnto he brought the Commonwealth. If such faults may be borne withall, who will not henceforth sticke to runne from his Ensigne? Who will haue care to come when he is commanded? Wherefore shall not the souldiour fight against his captaines will, when the maister of the horse hath not onlie foughte contrarie to the commandement of the Dictator, but also in contempt of his authoritie hath burned the enemies, and did not once aduertise him of anie thing thereof after the deed? But
hath

hath indeuoured to animate the souldiours to defend him against the Dictator, and afterwards did by force escape from the Licor, and would not obey anie summons, but fled vnto Rome, stirring vp the People, Tribunes, and Patricians to saue him. I know not what els to say, sauing that (manifest tyrannie excepted) there could not a more hainous crime haue ben committed. So that to conclude, I will say, that you may by force saue him from death, but as for me, I declare and protest that I neither will nor may acquite him.

Know that at these words, all the people began to intreat the Dictator for his life, wherefore without pardoning the fault, he frankly gaue him vnto the people.

Declamation. 98.

Of the disherited sonne, who claimed to haue his inheritance againe of the heires of him, vnto whom his father had giuen them.



Certaine man disherited his sonne vpon a iust cause, and gaue his lands vnto another man, who lying dead sick, said that he would haue the inheritance which was giuen him so return to the disherited son. Wher vpon some few daies after he died before the notarie (which he had sent for) was come, so as although there was nothing left in writing, yet did not there want witnesses to testifie for the said sonne, who demanded his inheritance, saying:

Who

WHo is he so ignorant which will belecue that my father would euer haue disherited mee in good earnest, but that he rather made this deceased man to promise that hee should restore my land vnto me after a certaine time; for the kindnes of fathers doth alwaies exceed the malice of the children, because that naturall loue is more readie to descend then to ascend, as well for the instabilitie of youth as for the constancy that remaineth in age, who knoweth & doth well remember that hee hath done amisse in his youth: and like as God naturallie loueth man farre more then man loueth him (the which is knowne by his deuine bountie towards vs, and our ingratitude towards him) so the father may well be angrie with his son, but what shew soeuer he maketh therof, yet can he not hate him, for it should be contrarie to the law of nature: who wil then imagine that my father (being by nature mild and courteous towards all men) could euer haue ben so cruell against his owne sonne? All these reasons abovesaid are most manifest, but were it so that my father had absolutely giuen away his possessions, and mine inheritance vnto this dead man, yet did he before his death restore the same againe vnto me, being either in conscience or kindnesse mooued therevnto: but had hee not more reason and libertie to giue it to me, then my father had to take it from me? You say that nothing appeareth in writing, for what end shold writings serue without witnesses? Doe we not know that the paper endureth all things, and the parchment much more? wherefore the word of the testator and the authoritie of the witnesses is sufficient. What if the Notarie after he had made the Will were dead, must we not then haue had
our

our recourse vnto witnesses? Wherefore seeing the notary did not come time inough (it may be becaule some of you staied him) shal not the witnessse of such persons as are worthie to be beleued, serue the turne, who did heare the deceased man say that he would haue the said land to returne vnto me, and for that effect did he send for the Notarie. It is at the end of the life, that a man doth chieflie seek to discharge his conscience, and then or els neuer is the truth spoken: wherefore it is most euident that this inheritance doth infalliblie appertaine vnto me: and therefore I do demand to haue the same by friendship, and if so it may not be, then must I request it by Iustice.

The Answer.

YOur father is not the first that hath disherited his sonne, it may be because he was more honest then you, and there is no likelihood and lesse certaintie that hee hath caused this man to restore vnto you the inheritance, but if it bee so as you say, then prooue it, for there is no reason to credit your words being such an one as you haue compelled your father to doe that which you cannot beleue, yet to prooue that this is so, the effect maketh mention. Wee beleue that your fathers clemencie was great, which (it may be) was the chieftest cause why hee desired to depriue you of all meanes to become anie more vicious, for some such as you are doe liue betier when they are poore, then when they are rich, wherefore your father in this was desirous to imitate our God, who doth all things for the best, although our nature is so corrupt as wee cannot comprehend the same. Likewise wee must consider, that the father

Of the disherited son, who claimed to haue

ther is not easilie brought to hate his sonne, but when he is inforced therevnto, then is he more hard to be intreated or reconciled then a stranger, & the more slow men are to become angrie, the more great and terrible is their wrath when it happeneth; euen so hath it beene with your father, whom you affirme to bee naturallie mild and courteous: thinke then what violence he did vnto himself, before he had taken this irreuocable resolution against you. So that your reasons seeme verie frivolous, and chieflie when you say that this deceassed man (being prouoked by the foresaid reasons, or by his owne conscience) hath restored vnto you those lands and goods which your father gaue vnto him: his conscience could not be burdened, seeing that nothing can be more trulie gotten then that which commeth by gift: likewise, therein he should but alter the meaning of your father and his benefactor, for it is verie likely that he did giue those goods vnto him and his heires, why then should he seeke to defraud them to giue it vnto such a one who by his owne father was iudged unworthie thereof? His ingratitude thereby would bee too manifest: but had he therein ben so aduised, yet hath not the effect therof insued (whether it were Gods doing or his owne meaning that so it should not be.) For men in the anguish of their sicknesse doe oftentimes speake manie things which they would net in any sort performe. The witnesses may beare testimonie of his words, but not of his Will, the which also ought to bee of no force, since the patient liued but a few daies after: for a true and lawful testament ought to be made when a man is of good disposition and memorie as well in bodie as in mind. Lastly, since nothing is written, there needeth no witnesses, but he that could haue beene a

wit-


witnesse of that which hee would haue declared if the Notarie had ben there present, should perchance haue heard him tell the reasons why your father gaue him those goods, as also vnto whom he meant to leaue the, but hauing laide neither one thing nor another, they are ours as rightfull heires: and therefore wee will defend them by all possible and lawfull meanes.

Declamation. 99.

Of two Citizens that were tortured, the one for demanding a debt, the other for denying the same.

THe law commandeth, that all periured persons should be put to death. Whereupon it happened that one Citizen summoned another, saying that he ought him a certaine summe of money, the which hee said he had lent him upon his own word, and thereupon hee tooke a solemne oath before the iustice that his saying was true: the other denied that he euer receiued any money of him, and did likewise swear that he ought him nothing, so that necessarily one of the twaine must be forsworne, and so consequently guiltie and worthie of death. Whereupon the defendant as being most suspected, is put vnto the racke: but he still affirmed that he ought nothing. The plaintife was afterwards likewise racked, who did also still ad-
 nouce that he did owe it him. Neuerthelesse, after they had both twaine ben tortured three severall times, they were put both together in prison, where they agreed no more then they did before, but each of them particularly made a request, The first said that he was content to acquite the debt iustly due, that he might be deliuered; the other said that he was content to pay
 that

426 Of two that were tortured, one for demanding,
*that which he neuer ought, to come forth of prison; but the Iu-
stice would haue sent them backe vnto the rack, vntill the truth
were knowne. From the which sentence they both appealed,
saying:*

 Here ought to bee some difference betweene
Iustice and crueltie, and yet (O you Iudges)
you make no difference at all, for you vse the
innocent as badlie as the offender; & which is
farre more worse, you take away the credit that ought
to be amongst Cittizens, & the vse of such entercourse
as they are to haue one with another, for there had ben
some other meanes to haue executed Iustice, without
bringing vs into such extream danger, where it may be
the innocent shall perish: each of vs doe say that we are
innocent, neuertheles, though one must needs be guil-
tie, yet can we not both be faultie: What then if the in-
nocent, as being the weakest should yeeld, and confesse
the fault which he neuer committed, chusing for the
least euill rather to die once wrongfullie, then to be any
more tortured, and afterwards to liue either a maimed
cripple, or to pine away with paine, & so it may chance
that the guiltles shal suffer for the guilty, losing both his
life, goods, and reputation, & on the contrary, the male-
factor shall haue both his life and credit saued, and liue
in good account to the great detrimēt of the Cōmon-
wealth; for being accustomed vnto torments, who shall
let him to swear that any man is indebted vnto him, or
that he is not indebted at al, when no man dare once of-
fer to proue it vpon him, so that there shall bee no villa-
ny which he dare not cōmit. If you say that he shall ne-
uer haue any great credit, but that he shall be stil suspec-
ted, as well amongst the Cittizens as with the Iudges,
you

you may say also that the innocent though hee remaine the conqueror, yet shall he be likewise suspected, & the losse of his reputation shall be the reward for his maintaining the same with such exceeding torments. Wherefore (sauiug the reuerence we owe vnto your lordships) we suppose that it had beene better not to haue proceeded vnto these extremities, but before you had caused either of vs to sweare particularlie, you should haue demanded whether anie of vs would haue ben content to stand vnto the word or oath of his companion, shewing in general what danger the offender did bring both his body and soule into. Likewise, both the one and the other might haue been examined touching the circumstances of the matter, to see which of the would come neerest vnto the truth, & also you might haue been thorowly informed what the life and reputation of either of them had ben, that thereby you might haue ben able to make some sound coniecture of the truth. But first of al the defendants oath ought to haue ben taken, who hauing sworn that he ought nothing, the plaintiff might haue ben adiudged to prooue his debt, or els to lose the same, but making vs both to swear without knowing either the one or the other, the offender hath taken his oath the more boldly, thinking by forswearing himself to be acquitted therof, yet he hath thereby brought both himselfe and the innocent into trouble and pain. But it seemeth that this matter hath been expressly handeled for this intent, which cannot bee tearmed iustice, but crueltie, for as much crueltie is it to torment an innocent, as it is iustice to punish an offender, & it were better to leaue a wicked man vnpunished, then to torture such a one as hath not deserued it: notwithstanding, we see that you had rather haue the good man tormeted, then
the

Of two that were tortured, one for demanding the malefactor should escape vntouched, which should be yet somewhat tollerable, if (as I haue before said) it were not likely that (proceeding in such sort as you do) the innocent should suffer for the offender, although it were far more reasonable to pardon one bad man, then to put a good man in danger: for Iustice if it must needs be constrained to yeeld, it ought alwaies to bee rather vnto clemencie then cruelty. Let then (you worthy iudges) the one be pardoned, for the others sake, because the offender hath already endured sufficiently for the expiation of his offence, and the innocent hath suffered too much for being no better advised before hee brought himselfe into such danger: and let that money which is now in strife be giuen to the poore, seeing that the one offereth to pay it, and the other to forgiue it. In so doing, you shall doe more iustly, then in continuing that course which was vnhappy begun.

The Answer.

IT is said that *Charlemaine* shitting the Saxons into Flanders, and the Flemmings into Saxonie, made of one deuill twaine, so you would persuaide vs to do the like, by redoubling a scandale that hath happened in the Commonwealth you doe feele it, and in a manner your selues haue cōfessed it, but because you haue both twaine no desire to be tortured any more, you will not confesse the whole. Did not you your selues say, that if the offender doe escape, he will be worse then a plague in the Commonwealth, & yet you doe openly purpose to procure his deliuerance, for one of you twaine must needs be the man, but why doe you not in like sort say, that if you bee both deliuered, it behooueth all men to take heed both of the one and the other, seeing that it cannot be certainly knowne who is the lewdest or the best;

best; our intention is to purge the Commonwealth by cutting off a wicked wretch, and you indeuour that we should leaue twaine therein, of whom a man cannot know which is the best: who then may not say that the Commonwealth is corrupted? There is no examining here either of follie or ignorance, but of capitall crime, some do think the one to be the offender, and some do iudge the other, so that although there be but one malefactor, yet it seemeth that there is twaine, which is verie vnseemely: were it not then better if the worst should happen, that two should suffer, then to see the whole citie a long time scandalized? Let him then which hath the best right determine to maintaine the same vntill he hath vanquished the other, or els vntil he hath yeelded the last gaspe; and if you remain both constant vnto the death, or at the least the good be constant, and the bad obstinate, you shall be examples of fortitude, and your death shall witnes vnto strangers how much our nation doth rather desire to indure any other mischicfe thē to be dishonored; but if you should both remain aliue you should haue no honor at all, and we lesse credit to suffer two such amongst vs, of whom it is impossible to know whether is the honest or dishonest mā. It were as good for you to confesse that you are both bad, as not to per- ceuer in the triall who shall be the best. The agreement which you would now make, you should haue thought vpon before the Commonwealth had ben scandalized by your oaths, and then you should haue given those good counsels, which now are as farre out of season as they are in vain, for you are not to prescribe what course we are to vse with you, no more then wee are bound to tell you wherefore we haue cauled you to sweare seue- rally, but we may tell you (and that trulie) how hee that

Of the controuersie betwixt Titus Quintus the
 had yeelded vnto the oath of the other might very well
 haue escaped the extremity of the crime, but yet the re-
 putation of both would haue ben alwaies doubtfull, so
 that it were much better to know the truth if it be possi-
 ble: if not, it may be said at the least, that the fault is not
 in vs. And this is the difference that we make between
 iustice and crueltie, That the offender being known, he
 may be punished, and the innocent honoured. You say
 that the one may chance to suffer for the other, you
 know the remedy, we cannot iudge you by your owne
 mouths: it is impossible to pardon the one for the respect
 of the other, without great offence to the Common-
 wealth, seeing that you both still remaine alwaies sus-
 pected, and your lineage thereby mightely wronged.
 Since then you haue shewed your selues more thē men
 in the beginning, doe not shew your selues lesse then
 women in the end. We counsell you so to doe for the
 good of the countrie, and for your owne credit. Neuer-
 theles, it is in the choice of the soueraign iudges to par-
 don your offence, but not to restore your former repu-
 tation: for so long as the truth shall be doubtfull, you
 shall be both twaine suspected, yea and esteemed un-
 worthy to liue amongst honest men.

Declamation. 100.

*Of the controuersie betwixt Titus Quintus the Ro-
 man Consull, and Nabis tyrant of Sparta.*

Titus Quintus making wars against Philip King of
 Macedon to drive him forth of Greece, and in the
 name of the Romans to set Greece at liberty; not being
 able to make a league with Nabis Tyrant of Sparta,
 receined

received neuer helpe succours from him, and made a truce betwene the said tyrant and those of Achaia. Afterwards, having overcome the said Philip, Quintus made wars upon Nabis to cause him to restore the usurped cities of Greece, over which he tyrannised: whereupon Nabis being come to a parle with Quintus, he said thus:

IF I could imagine with my selfe (O Titus Quintus) and the rest of you here present vpon what reason you haue protested or made warres vpon me, I had quietly staied to haue seene what end my fortune should haue had. but now I cannot restrain my desire (if I should perish) to vnderstand first the reason why I should come to this mischiete: & surely, if you were such as by fame the Carthaginians are, so as amongst you the faith of friendship were of no certaintie or stabilitie, I should not greatly woonder although you made no great account of that which you doe vnto me. But now that I behold you, I see that you are Romans, such I say, as were wont religiouslie to maintaine the obseruation of diuine things, and the faith of humane confederacie: & when I looke vpon my selfe, I doe verily beleeue that I am the same man, that haue beene in ancient friendship and league with you as well as the rest of the Lacedemonians; and it is but a small time since, that for the wars of Philip, yea and in my name the same hath been particularlie renued. But it may be I am hee that hath broken the same league, because I hold the citie of Argos; How shall I then be able to defend my fact? Surely either by the same deed, or els by the times. The deed offered me two meanes to defend my selfe, because I had the said citie, being called therevnto by the Cittizens and by their owne surrender: wherefore I receiued it, and did

Of the controuersie betwixt Titus Quintus the
 not surprise it: and I had the cittie when it was of the
 faction of *Philip*, and not in your league. The time de-
 fendeth mee, and likewise freeeth mee, because at
 the same time that I made a league with you, I had al-
 readie possession of Argos, and you combined your
 selues with me, & it was agreed that I should send you
 aid vnto the warres, but not that I should withdraw my
 Garrison out of the cittie of Argo; and surely concer-
 ning this cause of Argos, I haue the greatest right on
 my side, as well by the equitie of the deed (because I
 tooke not a cittie that was yours, but the enemies; and
 not by force or violence, but voluntarie) as by your
 owne confession: seeing that amongst the rest of the
 conditions of the peace, you left Argos vnto me. But it
 may be the deeds of a tyrant doe charge mee because I
 set bondmen at libertie, and deuide the lands vnto the
 poore people: as for the name of Tyrant, I may answer
 that whatsoeuer I am now, I am even the very same that
 I was, when thou (*O Titus Quintus*) madest a couenant
 with me, and diddest assure me that the same should re-
 maine inuiolable. I doe remember that then I was (of
 you) called a king; now I perceiue I am tearmed a Ti-
 rant: wherefore if I had changed the name of my go-
 uernment, I should bee bound to render an account of
 my lightnes, but now you your selues changing it, you
 must yeeld an account of yours: and as concerning the
 multitude whom I haue increased, setting bondmen at
 libertie, and distributing land to the poore, I may like-
 wise defend my selfe therein by reason of the time: be-
 cause I had alreadie done those things (whatsoeuer
 they were) before you made the combination with me,
 and receiued from me succours in the wars against *Phi-*
lip: but although I had done such things at this present,

yet

yet would I not confesse that I had offended you therein, or that I had violated our amitie, but that I rather haue followed the orders and customes of our ancestors. Neuer doe you goe about to draw those things which are done in the cittie of Lacedemon to the rule of your lawes and statutes, it is not necessarie to compare them one with another particularlie: you make choice of your horsemen and footmen by their courage, and you would that there should bee but a small number of rich and great men, and that the people should be subiect vnto those: Our lawmaker would not haue our Commonwealth to bee in the power of a small number, the which you call Senators, and hee would not that in the cittie one order should be greater in degree then another, iudging it better (by a certaine qualitie of greatnesse and riches) that honors and dignities should be attained vnto, to the end that the number of those might be great which should vndertake to defend the countrie. I confesse that I haue been too tedious, and discoursed of more things then the custome and breuitie of the countrie speech dooth permit me: and I might haue ben farre more brieft, and haue onlie said that since wee haue made a league or couenant together I haue neuer comitted anie thing for the which you should haue cause to repent the same.

The Romane captaine answereth.

WE made no league or confederacie at all with thee, but with *Pelops* the true and lawfull King of the Lacedemonians: the right of which league, the tyrants (who haue since by force raigned in Lacedemon) haue vlrped, because the wars which we

Of the controuersie betwixt Titus Quintus the
 haue had one whiles with the Carthaginians, another
 while with the Gaules, and continuallie either with the
 one or the other haue greatlie troubled vs, as thou hast
 likewise done in this warre of Macedon: For very vn-
 seemely were it for vs (who haue vndertaken armes for
 the libertie of Greece) to confederate our selues with a
 tyrant: and with what tyrant? Surely with such a one
 as is the most cruell & most inhuman monster towards
 his owne subiects that euer was. It behooued vs in see-
 king to free all Greece, to set Lacedemon also into her
 ancient freedome (although thou haddest neuer taken
Argos by deceit) & to restore her vnto her laws: where-
 of at this present (like a good follower of *Licurgus*) thou
 hast made mention. Now will we take heed since *Philip*
 hath withdrawne his Garrisons from *Iassa* and *Bargilles*,
 least we should suffer to be troden vnder thy feet, two
 famous citties, *Argos* and *Lacedemon*, heretofore ac-
 counted the two lights and beauties of Greece: which
 if we should leaue in bondage, it would blemish our
 title of freeing Greece. Thou wilt say that the Argians
 were partakers with *Philip*: wee will not burthen thee
 that thou wast therefore angrie with them, and tookest
 vpon thee such a quarell for our sakes. We are sufficient-
 ly informed that of that innouation there were but two
 or three persons at the most culpable, as also how that
 they were the onlie men that receiued thee & thy soul-
 diours into their castle, wherein surely nothing at all
 was done by common Councell. Wee know how the
Theſſalians, *Phocians*, and *Locrenſes*, did by common
 consent take *Philip* his part, neuertheſſe wee did leaue
 them free, hauing ſet all the reſt of Greece at libertie.
 What then doeſt thou thinke wee ſhould doe with the
Argiues, who are moſt innocent, as concerning their
 common

common Counsell? Thou saiest that thou art condemned for deliuering of captiues & deuiding of the lands vnto the poore (which surely are no small faults) but what is that, or what are they to be compared to so manie mischiefes committed euerie day one after another by thee and thine? Let a free Counsell bee assembled in Argos, or Lacedemon, if thou takest pleasure to hear the truth of the offences of thy most prowd gouernement. But now setting apart thy ancientest faults: how manie murthers I pray thee hath that son in law of thine *Pythagoras* committed of late in Argos, & that as it were before mine owne eies? and how manie slaughters hast thou thy selfe aded, I being even hard vpon the confines of Lacedemon? Moreouer, those whom thou tookest whilest they were parlying, thou didst openlie protest before all the Cittizens that thou wouldest keepe them in safetie: Bring them therefore bound as they were, to the end that their miserable parents may know them to be liuing, whom they haue bewailed for dead: but thou wilt say, let vs grant that all these things be so, What haue you Romans to doe therewith? Wilt thou say thus vnto the Grecians friends? That seeke to free Greece? Who to doe the same, haue passed the seas? And haue made warre both by land and by sea? Thou wilt say, Yet haue I not offended you, nor broken our league, neither violated the confederacie of the Roman Nation. How often wilt thou haue me to prooue vnto thy face that thou hast violated the same? I will not vse manie words, but brieflie will I set downe euery thing: Tell me then I pray thee how manie waies friendship may be broken? Surely by these two, that is to say, If thou vnest my friends like enemies, and conioinest thy selfe with my foes: Whether of these two

Of the controuersie betwixt Titus Quintus, &c.
 things hast thou not done? Seeing that first thou tookest Messena by force and armes, which was ioined vnto vs with the same conditions of peace as Lacedemon was, and receiued into our friendship; and yet thou being our friend and Colleague, tookest a cittie that was friend and vnited in league with vs: and with *Philip* our enemy, thou not onelie keptest companie, but also by the sufferance of the gods thou madest aliance with him by the meanes of *Philocles* his Lieutenant, and he making wars vpon vs in that sort, thou didst both trouble the seas about Malea with thy ships of war, and also tookest and slewest far more Romane Citizens then euer *Philip* did: and vnto the ships which brought victuals vnto our armie, the river of Macedon was more safe then was the promontarie of Malea. Ceasse therefore henceforth to brag of the obseruing of thy faith, and the performing of thy friendship inuiolable, and leaue off all ciuill maner of speech, speak plainly like a tyrant, & as an enemy ought to speake.

F I N I S.



